

EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

-----X
IN THE MATTER OF COEYMANS MARINE
TOWING, LLC D/B/A CARVER MARINE
TOWING AS OWNER AND OPERATOR OF M/T
MACKENZIE ROSE, (IMO NO. 8968765) HER
CARGO, ENGINES, BOILERS, TACKLE, EQUIPMENT,
APPAREL, AND APPURTENANCES, ETC., IN REM,
("M/T MACKENZIE ROSE"),

CIVIL ACTION NO:
2:24-CV-00490

PETITIONING FOR EXONERATION FROM OR
LIMITATION OF LIABILITY IN ALLISION WITH
NORFOLK AND PORTSMOUTH BELT LINE RAILROAD
COMPANY MAIN LINE RAILROAD BRIDGE
(THE "BRIDGE") OCCURRING JUNE 15, 2024 IN
AND ABOUT THE ELIZABETH RIVER, VIRGINIA.

-----X

April 29, 2025

10:18 a.m.

AN IN PERSON VIDEOTAPED DEPOSITION of
of Leonard Baldassare, a Defendant herein,
taken by the respective parties, pursuant
to Order, before Larin Kaywood, a Notary
Public for and within the State of New
York.

JOB NO.: 112214

LEONARD BALDASSARE

April 29, 2025

Page 2	Page 4
<p>1 A P P E A R A N C E S:</p> <p>2</p> <p>3 CRENSHAW, WARE & MARTIN, P.L.C.</p> <p>4 Attorneys for Defendant Norfolk</p> <p>5 Portsmouth Belt Line Railroad Company</p> <p>6 150 W. Main Street Suite 1500</p> <p>7 Norfolk, Virginia 23510</p> <p>8 BY: JIM CHAPMAN, ESQ.</p> <p>9 E-mail: Jchapman@cwm-law.com</p> <p>10 CLYDE & CO US LLP</p> <p>11 Attorneys for Coeymans Marine Towing, LLC</p> <p>12 30 S. Wacker Drive, Suite 2600</p> <p>13 Chicago, IL 60606</p> <p>14 BY: JAMES H. RODGERS, ESQ.</p> <p>15 MICHAEL ROMAN, ESQ.</p> <p>16 E-mail: Michael.roman@clydeco.us</p> <p>17 James.rodgers@clydeco.us</p> <p>18</p> <p>19 SINNOT, NUCKOLS & LOGAN, P.C.</p> <p>20 Counsel for Evanston Insurance Company,</p> <p>21 S/s/o Norfolk and Portsmouth Belt Line</p> <p>22 Railroad Company</p> <p>23 13811 Village Mill Drive</p> <p>24 Midlothian, Virginia 23114</p> <p>25 BY: MARK C. NANAVATI, ESQ.</p> <p>CHRISTOPHER JONES, ESQ.</p> <p>E-mail: Mnavati@snllaw.com</p> <p>Cjones@snllaw.com</p> <p>BUTLER WEIHMULLER KATZ CRAIG, LLP</p> <p>Counsel for Evanston Insurance Company,</p> <p>S/s/o Norfolk and Portsmouth Belt Line</p> <p>Railroad Company</p> <p>11525 N. Community House Road</p> <p>Suite 300</p> <p>Charlotte, North Carolina 28277</p> <p>BY: ZACHARY M. JETT, ESQ.</p> <p>E-mail: Zjett@butler.legal</p> <p>ALSO PRESENT:</p> <p>Ingrid Contreras, the videographer</p> <p>Connan Moss.</p>	<p>1 - PREVIOUSLY MARKED EXHIBITS (CONT.) -</p> <p>2 Exhibit 24 - Ayers Marine Electronics Records</p> <p>3 4/2024 249 -</p> <p>4</p> <p>5 Exhibit 25 - GMT/Mackay Marine Invoices 2023 - 2024</p> <p>6</p> <p>7 Exhibit 26 - 9.2 Near Miss Report 5/6/2024</p> <p>8 (approved) 41 - 42</p> <p>9 Exhibit 28 - 9.2 Near Miss Report 3/4/2024</p> <p>10 (approved) 37 - 38</p> <p>11</p> <p>12 Exhibit 30 - 9.2 Near Miss Report 4/19/2024</p> <p>13 (approved)</p> <p>14 Exhibit 32 - Morrissey Training Records 7/2/23 -</p> <p>15 6/16/24</p> <p>16</p> <p>17 Exhibit 34 - Voyage Plan 6/15/2024 890 - 897</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 3	Page 5
<p>1 INDEX</p> <p>2 EXAMINATION OF LEONARD BALDASSARE</p> <p>3</p> <p>4 EXAMINATION BY PAGE</p> <p>5 Mr. Chapman 6, 218</p> <p>6 Mr. Rodgers 209</p> <p>7</p> <p>8 - MARKED EXHIBITS -</p> <p>9 NUMBER DESCRIPTION PAGE</p> <p>10 Exhibit 1 - Bridge Photo 6/15/2024 244 82</p> <p>11 Exhibit 2 - Barge Photos 6/15/2024 245 - 248 84</p> <p>12 Exhibit 3 - 9.5 Incident Report - 1/22/2024 137</p> <p>13 (SC pier damage)</p> <p>14</p> <p>15 Exhibit 4 - Labelled Sections of SMS Produced 158</p> <p>16 by Carver Listed on cover page</p> <p>17 Exhibit 6 - Daily Logs 6/12/2024 - 6/16/2024 87</p> <p>18 (Helm System)</p> <p>19</p> <p>20 Exhibit 9 - Capt. Christopher Miller 96</p> <p>21 Statements 6/15/2024</p> <p>22</p> <p>23 - PREVIOUSLY MARKED EXHIBITS -</p> <p>24 Exhibit 15 - Deckhand Sharif Porter Statements</p> <p>25 6/15/2024</p> <p>Exhibit 17 - Capt. James Morrissey Statements</p> <p>6/15/2024</p> <p>Exhibit 19 - CG-2692 Report of Marine Casualty</p> <p>Exhibit 21 - Helm Screenshot 6/15/2024</p> <p>Exhibit 23 - Rough Deck Logs 6/12/2024 - 6/16/2024</p>	<p>1 * * * * *</p> <p>2 THE VIDEOGRAPHER: This is the</p> <p>3 beginning of Media Number 1 in the</p> <p>4 deposition of Leonard Baldassare, in</p> <p>5 the matter of Coeymans Marine, d/b/a</p> <p>6 Carver Marine Towing. Case number</p> <p>7 2:24-cv-00490. Today's date is</p> <p>8 Tuesday, April 29th, 2025, and the</p> <p>9 time on the monitor is 10:22 a.m.</p> <p>10 My name is Ingrid Contreras,</p> <p>11 and I am the videographer. The court</p> <p>12 reporter is Larin -- my mistake,</p> <p>13 Larin Kaywood. We are here with</p> <p>14 Rosenberg & Associates, Inc. All</p> <p>15 appearances are recorded.</p> <p>16 The court reporter will now</p> <p>17 swear in the witness:</p> <p>18 L E O N A R D B A L D A S S A R E, the</p> <p>19 witness herein, having first been duly</p> <p>20 sworn by the Notary Public, was examined</p> <p>21 and testified as follows:</p> <p>22 THE REPORTER: Please state</p> <p>23 your name for the record.</p> <p>24 THE WITNESS: Leonard</p> <p>25 Baldassare.</p>

LEONARD BALDASSARE

April 29, 2025

Page 6	Page 8
<p>1 THE REPORTER: And your</p> <p>2 address, please?</p> <p>3 THE ADDRESS: 88 Shore Road,</p> <p>4 Lindenhurst, New York 11757.</p> <p>5 EXAMINATION BY</p> <p>6 MR. CHAPMAN:</p> <p>7 Q. Good morning, Mr. Baldassare.</p> <p>8 A. Good morning.</p> <p>9 Q. My name is Jim Chapman, I</p> <p>10 represent Norfolk and Portsmouth Belt Line</p> <p>11 Railroad Company. We are taking your</p> <p>12 deposition today in connection with a</p> <p>13 lawsuit, a limitation proceeding that was</p> <p>14 filed by your former employer, Carver, to</p> <p>15 limit its liability resulting from the</p> <p>16 damage to the Belt Lines bridge back in</p> <p>17 June of 2024.</p> <p>18 Do you understand that?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Could you tell me your date of</p> <p>21 birth?</p> <p>22 A. 4/26/1993.</p> <p>23 Q. I want to get a little</p> <p>24 background, you know, what your work</p> <p>25 experience has been and that sort of thing.</p>	<p>1 Q. Where did you sail out of with</p> <p>2 Buchanan?</p> <p>3 A. Port Washington, New York.</p> <p>4 Q. And prior to Buchanan, who were</p> <p>5 you with?</p> <p>6 A. Vane Line Bunkering.</p> <p>7 Q. How long with Vane Line?</p> <p>8 A. Five years.</p> <p>9 Q. All sailing?</p> <p>10 A. Yes.</p> <p>11 Q. Were you the master of any of</p> <p>12 the towing vessels?</p> <p>13 A. No.</p> <p>14 Q. Mate?</p> <p>15 A. Mate.</p> <p>16 THE REPORTER: Just let him</p> <p>17 finish his questions.</p> <p>18 MR. CHAPMAN: Okay, sure.</p> <p>19 THE REPORTER: Then give a</p> <p>20 pause in between.</p> <p>21 MR. CHAPMAN: Sorry.</p> <p>22 THE REPORTER: Okay.</p> <p>23 Q. I should have said this at the</p> <p>24 outset, but we'll try to exercise, kind of,</p> <p>25 good radio discipline. I'll -- let me</p>
Page 7	Page 9
<p>1 Who'd you work for before you</p> <p>2 went to work for Carver?</p> <p>3 A. Center Line logistics.</p> <p>4 Q. And how long were you at Center</p> <p>5 Line?</p> <p>6 A. Four and a half years.</p> <p>7 Q. Doing what?</p> <p>8 A. Port Captain.</p> <p>9 Q. Did you sail at all while you</p> <p>10 were Port Captain? Did you have any sail</p> <p>11 time?</p> <p>12 A. While I was at Center Line?</p> <p>13 Q. Yeah.</p> <p>14 A. No, but I sailed previously.</p> <p>15 Q. Okay. So who'd you work for</p> <p>16 right before Center Line?</p> <p>17 A. Buchanan Marine.</p> <p>18 Q. Did you sail for Buchanan?</p> <p>19 A. I did, yes.</p> <p>20 Q. Were you the master of one of</p> <p>21 their vessels?</p> <p>22 A. No, I was a mate.</p> <p>23 Q. How long were you with</p> <p>24 Buchanan?</p> <p>25 A. A year and half.</p>	<p>1 finish my question before you start your</p> <p>2 answer, and I'll do my best to not</p> <p>3 interrupt your answer.</p> <p>4 A. Understood.</p> <p>5 Q. Okay. So before Vane Line, who</p> <p>6 were you with?</p> <p>7 A. I was at SUNY Maritime College.</p> <p>8 Q. I'm sorry, SUNY Maritime?</p> <p>9 A. Yes.</p> <p>10 Q. What was your major?</p> <p>11 A. Marine operations.</p> <p>12 Q. When did you graduate?</p> <p>13 A. 2015, sorry.</p> <p>14 Q. Four years?</p> <p>15 A. Two years.</p> <p>16 Q. Two years, okay.</p> <p>17 A. Yes.</p> <p>18 Q. Did you go somewhere else</p> <p>19 before SUNY?</p> <p>20 A. Yes, community college.</p> <p>21 Q. Okay. But you ended up with a</p> <p>22 four year degree coming out of SUNY?</p> <p>23 A. No, I did two --</p> <p>24 Q. It's a two-year program?</p> <p>25 A. Yes.</p>

LEONARD BALDASSARE

April 29, 2025

<p style="text-align: right;">Page 10</p> <p>1 Q. Okay. So when were you</p> <p>2 first -- when did you get your first</p> <p>3 merchant marine document?</p> <p>4 A. When I graduated from SUNY,</p> <p>5 took my license exam and got my MMC, so I</p> <p>6 think it was February of '14.</p> <p>7 Q. Are you currently licensed?</p> <p>8 A. Yes.</p> <p>9 Q. What do you hold?</p> <p>10 A. 1600 Ton Mate New York Coastal.</p> <p>11 Q. Any endorsement?</p> <p>12 A. Yeah. I have STCW, Radar</p> <p>13 observer, Lifeboatman, Basic Safety, ECDIS.</p> <p>14 Q. I'm not familiar with that one.</p> <p>15 What'd you say?</p> <p>16 A. ECDIS.</p> <p>17 Q. ECDIS?</p> <p>18 A. Yeah.</p> <p>19 Q. It's an acronym for something?</p> <p>20 A. Yeah, it's -- I don't know the</p> <p>21 full --</p> <p>22 Q. What does it really mean?</p> <p>23 A. It's a form of like navigation.</p> <p>24 Q. It's like a navigation</p> <p>25 endorsement?</p>	<p style="text-align: right;">Page 12</p> <p>1 Moore when you were at Center Line?</p> <p>2 A. I did, yes.</p> <p>3 Q. How long was he at Center Line</p> <p>4 while you were there. Like how much</p> <p>5 overlap was there?</p> <p>6 A. He was there the entire time I</p> <p>7 was there, but I believe he started about a</p> <p>8 year before I did.</p> <p>9 Q. And he -- I know -- he told us</p> <p>10 yesterday he left to go to Carver.</p> <p>11 A. Mm-hmm.</p> <p>12 Q. Did he invite you to come to</p> <p>13 Carver after him, or how did you end up at</p> <p>14 Carver?</p> <p>15 A. They were looking for a Port</p> <p>16 Captain, and I had applied for the job.</p> <p>17 Q. He told us a little bit about</p> <p>18 the way in which you applied for jobs at</p> <p>19 Carver.</p> <p>20 Did you go through the online</p> <p>21 portal --</p> <p>22 A. No.</p> <p>23 Q. -- to get hired?</p> <p>24 A. No.</p> <p>25 Q. Who'd you -- did you contact</p>
<p style="text-align: right;">Page 11</p> <p>1 A. Correct, Yes.</p> <p>2 Q. To use some particular type of</p> <p>3 nav equipment?</p> <p>4 A. An ECDIS machine.</p> <p>5 Q. Okay. And how do you spell</p> <p>6 that?</p> <p>7 A. E-C-D-I-S.</p> <p>8 Q. So has it been about four and a</p> <p>9 half years since you've actively sailed?</p> <p>10 A. Yeah, roughly.</p> <p>11 Q. Do you ever operate any of</p> <p>12 Center Line's boats?</p> <p>13 A. No.</p> <p>14 Q. Do you ever operate any of</p> <p>15 Carver's boats?</p> <p>16 A. No.</p> <p>17 Q. So when did you start with</p> <p>18 Carver?</p> <p>19 A. January of 2024.</p> <p>20 Q. Did you work with Brian Moore</p> <p>21 when you were at Vane Line?</p> <p>22 A. He -- we worked there at the</p> <p>23 same time. We never worked together</p> <p>24 though.</p> <p>25 Q. Okay. Did you work with Brian</p>	<p style="text-align: right;">Page 13</p> <p>1 somebody about getting hired there?</p> <p>2 A. I spoke to Tom Marron, the HR</p> <p>3 representative.</p> <p>4 Q. Do you know how he spells his</p> <p>5 last name?</p> <p>6 A. I do not.</p> <p>7 Q. Did he run HR at the time?</p> <p>8 A. I believe so, yes.</p> <p>9 Q. What position were you hired</p> <p>10 into at Carver?</p> <p>11 A. Port Captain.</p> <p>12 Q. So pretty much the same thing</p> <p>13 you were doing, at least position wise at</p> <p>14 Center Line?</p> <p>15 A. Correct.</p> <p>16 Q. How many vessels did Center</p> <p>17 Line have that you sort of had Port Captain</p> <p>18 responsibility?</p> <p>19 A. Between the tugs and the</p> <p>20 barges, 40 roughly.</p> <p>21 Q. How many tugs?</p> <p>22 A. 20. About 20, I think. I'd</p> <p>23 have to go through all of them, but</p> <p>24 I -- I'd say 20 is a fair number between</p> <p>25 the offshore and inland division.</p>

LEONARD BALDASSARE

April 29, 2025

<p style="text-align: right;">Page 14</p> <p>1 Q. So fewer tugs to my -- the way</p> <p>2 Mr. Moore described it at Carver than at</p> <p>3 Center Line?</p> <p>4 A. You're saying?</p> <p>5 Q. Yeah. Well, I'll just ask you</p> <p>6 this, how many tugs at Carver when you</p> <p>7 become Port Captain?</p> <p>8 A. Seven, I believe.</p> <p>9 Q. Okay.</p> <p>10 A. Yes. It's a smaller outlet,</p> <p>11 correct. Yeah.</p> <p>12 Q. Was it a pay raise to go to</p> <p>13 Carver?</p> <p>14 A. It was.</p> <p>15 Q. And compensation wise, was it a</p> <p>16 salaried position or an hourly position --</p> <p>17 A. Salaried.</p> <p>18 Q. -- going to Carver?</p> <p>19 A. Correct.</p> <p>20 Q. Had you been salaried at?</p> <p>21 Buchanan -- excuse me, at Center Line?</p> <p>22 A. Yes.</p> <p>23 Q. When did you leave Carver?</p> <p>24 A. January of 2025.</p> <p>25 Q. So about a year altogether at</p>	<p style="text-align: right;">Page 16</p> <p>1 ask you, who are you working for now?</p> <p>2 A. H&L Contracting.</p> <p>3 Q. And what is their business?</p> <p>4 A. Marine construction is the</p> <p>5 division that I work in. I'm a project</p> <p>6 manager. But they do various construction,</p> <p>7 but I'm in the marine sector of the</p> <p>8 company.</p> <p>9 Q. Are there any tugs that are</p> <p>10 part of the marine construction --</p> <p>11 A. Yes.</p> <p>12 Q. -- division?</p> <p>13 A. Yes, there are.</p> <p>14 Q. Are they -- give me some idea,</p> <p>15 relative size?</p> <p>16 A. So we have one tug boat that's</p> <p>17 1200 horse power, it has a COI, and then</p> <p>18 the rest are all under 26 foot non-COI work</p> <p>19 boats.</p> <p>20 Q. How many altogether?</p> <p>21 A. I think about 12.</p> <p>22 Q. When you were Port Captain for</p> <p>23 Carver, tell us what your duties were?</p> <p>24 A. I was responsible for the</p> <p>25 day-to-day operations of the tug fleet. So</p>
<p style="text-align: right;">Page 15</p> <p>1 Carver?</p> <p>2 A. Correct.</p> <p>3 Q. Why'd you leave?</p> <p>4 A. It was a mutual agreement.</p> <p>5 They were looking for me to relocate up to</p> <p>6 their port in Albany, and it just wasn't an</p> <p>7 option for me at the time.</p> <p>8 Q. You live on Long Island?</p> <p>9 A. I do.</p> <p>10 Q. When you were Port Captain for</p> <p>11 Carver, did they allow you to like work</p> <p>12 from home or did you work some place that</p> <p>13 was close to where you lived?</p> <p>14 A. I worked in the office in</p> <p>15 Staten Island.</p> <p>16 Q. What reason did they give for</p> <p>17 wanting you to move to the Albany office?</p> <p>18 A. I think they were just looking</p> <p>19 for me to be more involved in the main</p> <p>20 operation up at the port, but like I said,</p> <p>21 I have a young child so it wasn't an option</p> <p>22 for me to move.</p> <p>23 Q. How old is your child?</p> <p>24 A. She's 10 months.</p> <p>25 Q. Okay. So how long -- I should</p>	<p style="text-align: right;">Page 17</p> <p>1 I would make sure the tugs were crewed, I</p> <p>2 would make sure that safety equipment was</p> <p>3 up to snuff. Just basically be the liaison</p> <p>4 between the boats and upper management.</p> <p>5 Q. Did you have any responsibility</p> <p>6 for hiring crew personnel?</p> <p>7 A. I did not, no. That all went</p> <p>8 through HR. I would sometimes sit in on</p> <p>9 the interviews, but it would go through HR.</p> <p>10 Q. Did you have any responsibility</p> <p>11 for testing people that were hired into</p> <p>12 crew positions?</p> <p>13 A. No, I did not.</p> <p>14 Q. Did somebody else?</p> <p>15 A. Not to my knowledge, no.</p> <p>16 Q. Was there a training manager,</p> <p>17 or somebody that was responsible for</p> <p>18 training when you worked for Carver?</p> <p>19 A. No, not to my knowledge.</p> <p>20 Q. As a Port Captain, who did you</p> <p>21 report to?</p> <p>22 A. Brian Moore.</p> <p>23 Q. Was there anybody else that</p> <p>24 you, I don't know, thought of having to</p> <p>25 report to in your mind, somebody else</p>

LEONARD BALDASSARE

April 29, 2025

<p style="text-align: right;">Page 18</p> <p>1 besides him that you also had to report to?</p> <p>2 A. No.</p> <p>3 Q. Did you ever deal with Nick</p> <p>4 Laraway?</p> <p>5 A. Yeah. He was the -- he's like</p> <p>6 Brian's boss, so -- but not directly, no.</p> <p>7 Q. So you never had to meet with</p> <p>8 him?</p> <p>9 A. No. I did, but I was -- like I</p> <p>10 wouldn't report to Nick. I would report</p> <p>11 things to Brian.</p> <p>12 Q. Okay. Just as a for instance,</p> <p>13 I'm going to get into some questioning</p> <p>14 about the allision with the bridge, and how</p> <p>15 that was reported and that sort of thing,</p> <p>16 but did you ever have a conversation with</p> <p>17 Nick Laraway about that incident?</p> <p>18 A. I did not, no.</p> <p>19 Q. From your perspective, was</p> <p>20 Brian Moore the guy that ran Carver Marine</p> <p>21 Towing?</p> <p>22 A. Yes, he was the general</p> <p>23 manager.</p> <p>24 Q. What was the normal means of</p> <p>25 communicating with Mr. Moore when you were</p>	<p style="text-align: right;">Page 20</p> <p>1 MR. RODGERS: Jim --</p> <p>2 MR. CHAPMAN: Let me just</p> <p>3 finish the question. Let me just</p> <p>4 finish the question.</p> <p>5 MR. RODGERS: Finish it.</p> <p>6 Q. The subpoena requested that you</p> <p>7 produce the phone that you had used on June</p> <p>8 15th, 2024, which was the date of the</p> <p>9 allision, right?</p> <p>10 Do you still have that phone</p> <p>11 today?</p> <p>12 MR. RODGERS: Just don't answer</p> <p>13 it. We're producing Mr. Baldassare</p> <p>14 as a Carver witness, not pursuant to</p> <p>15 the subpoena. Any demand you could</p> <p>16 make to Carver, and -- we'll deal</p> <p>17 with it. So he's not here now by</p> <p>18 virtue of the subpoena, he's here now</p> <p>19 as our witness as I talked to you</p> <p>20 about, or e-mailed you about.</p> <p>21 Q. Yeah. I'm just asking</p> <p>22 whether -- you confirmed that you were</p> <p>23 served with a subpoena, right?</p> <p>24 MR. RODGERS: You can --</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 19</p> <p>1 Port Captain?</p> <p>2 A. Phone call.</p> <p>3 Q. Did you ever e-mail him?</p> <p>4 A. I did.</p> <p>5 Q. Is there some distinction in</p> <p>6 your mind as to why you would e-mail him</p> <p>7 about some things or -- versus having a</p> <p>8 phone call with him about others?</p> <p>9 A. No, just -- no.</p> <p>10 Q. Were you issued a phone by the</p> <p>11 company --</p> <p>12 A. Yes.</p> <p>13 Q. -- in your role as Port</p> <p>14 Captain?</p> <p>15 A. Yes, I was.</p> <p>16 Q. Do you still have that phone</p> <p>17 today?</p> <p>18 A. I do not, no.</p> <p>19 Q. You were served with a subpoena</p> <p>20 before the deposition?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And I asked you to bring</p> <p>23 whatever phone you had used or communicated</p> <p>24 with back --</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. Okay. And the subpoena</p> <p>2 requested you to produce a phone if you</p> <p>3 still had it in your possession, correct?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Do you still have that</p> <p>6 phone in your possession?</p> <p>7 A. No.</p> <p>8 Q. All right.</p> <p>9 MR. RODGERS: Yeah, you can go</p> <p>10 ahead.</p> <p>11 A. Okay. Yeah. No. I don't have</p> <p>12 the phone in my possession.</p> <p>13 Q. And that's because it was a</p> <p>14 company phone and you turned it back into</p> <p>15 the company when you left?</p> <p>16 A. That is correct.</p> <p>17 Q. Is that the only phone that you</p> <p>18 used for communication on company business?</p> <p>19 A. Yes, it is.</p> <p>20 Q. So it sounds like when you were</p> <p>21 working for Carver, you'd carry around two</p> <p>22 phones. You had a personal phone and the</p> <p>23 company phone.</p> <p>24 MR. RODGERS: Objection to</p> <p>25 form.</p>

LEONARD BALDASSARE

April 29, 2025

Page 22	Page 24
<p>1 Q. Is that right?</p> <p>2 A. Correct, yes.</p> <p>3 Q. Did you use the company phone</p> <p>4 to text -- send text messages on company</p> <p>5 business?</p> <p>6 A. Yes.</p> <p>7 Q. Were you ever requested to</p> <p>8 provide any text information or things that</p> <p>9 were on that phone in connection with the</p> <p>10 allision?</p> <p>11 A. No.</p> <p>12 Q. When you were Port Captain for</p> <p>13 Carver, did you ever have to fire anybody?</p> <p>14 A. No, I did not.</p> <p>15 Q. Anybody you felt ought to have</p> <p>16 been fired?</p> <p>17 A. No.</p> <p>18 Q. In your role as Port Captain,</p> <p>19 if -- and I realize you didn't fire anybody</p> <p>20 or think anybody should be fired, but did</p> <p>21 you have the authority to recommend that</p> <p>22 somebody be fired?</p> <p>23 A. Yes, I did.</p> <p>24 Q. Besides Port Captain, did you</p> <p>25 hold any other position in the Cargo</p>	<p>1 with Brian Moore since you've left Carver?</p> <p>2 A. No.</p> <p>3 Q. So no texting, no conversation?</p> <p>4 A. No.</p> <p>5 Q. Did Carver or anyone at Carver</p> <p>6 provide a reference for you when you left</p> <p>7 the company?</p> <p>8 A. For -- to -- for a new job,</p> <p>9 you're saying?</p> <p>10 Q. Yes.</p> <p>11 A. Oh, no.</p> <p>12 Q. And did you request one?</p> <p>13 A. No.</p> <p>14 Q. The -- did you have any</p> <p>15 preexisting connection with anybody at H&L</p> <p>16 Contracting before you went to go work for</p> <p>17 them?</p> <p>18 A. No.</p> <p>19 Q. And was it like it's owned by a</p> <p>20 cousin or something?</p> <p>21 A. No.</p> <p>22 Q. Okay.</p> <p>23 A. No, no.</p> <p>24 Q. There are three people that</p> <p>25 are -- that were members of the crew of the</p>
Page 23	Page 25
<p>1 organization?</p> <p>2 A. I did not, no.</p> <p>3 Q. So you said that when you were</p> <p>4 hired, there were seven tugs. Were there</p> <p>5 more than that when you left working for</p> <p>6 cargo?</p> <p>7 A. No.</p> <p>8 Q. Still seven?</p> <p>9 A. Yeah, I believe. Caroline,</p> <p>10 Pike, Otter, McKenzie Rose, Helen, Erin</p> <p>11 Elizabeth, Daisy Mae, yeah, seven.</p> <p>12 Q. Okay.</p> <p>13 A. Yeah. Sorry, I just --</p> <p>14 Q. Those are all inspected</p> <p>15 vessels?</p> <p>16 A. Correct. Yes, they are.</p> <p>17 Q. Any uninspected vessels?</p> <p>18 A. No.</p> <p>19 Q. How long did it take you to</p> <p>20 find a position with H&L Contracting?</p> <p>21 A. Three weeks.</p> <p>22 Q. Do you feel like you left</p> <p>23 Carver on good terms?</p> <p>24 A. To my knowledge, yes.</p> <p>25 Q. Have you had any communications</p>	<p>1 Mackenzie Rose when the allision occurred</p> <p>2 that are no longer with the company, no</p> <p>3 longer with Carver, Captain Miller, Captain</p> <p>4 Morrissey and Engineer McGrath. I want to</p> <p>5 ask you, did Miller leave while you were</p> <p>6 still employed by Carver?</p> <p>7 A. No. He was still employed when</p> <p>8 I left.</p> <p>9 Q. And was he still captain of the</p> <p>10 Mackenzie Rose when you left?</p> <p>11 A. He was, but the Mackenzie Rose</p> <p>12 was in the shipyard when I left.</p> <p>13 Q. So what was he doing if --</p> <p>14 A. He was home. He wasn't</p> <p>15 like -- he wasn't working at the time.</p> <p>16 Q. So to your knowledge, he was</p> <p>17 still collecting a paycheck?</p> <p>18 A. No, he was not.</p> <p>19 Q. Okay. So he was still on the</p> <p>20 company rolls, but he wasn't receiving --</p> <p>21 A. Correct. Because he was not</p> <p>22 working because his boat was in the</p> <p>23 shipyard.</p> <p>24 Q. So his position as captain,</p> <p>25 that's not a salaried position. It's if</p>

LEONARD BALDASSARE

April 29, 2025

Page 26	Page 28
<p>1 you're working position hourly, or?</p> <p>2 A. Correct. It's a day rate.</p> <p>3 Q. Day rate.</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Do you recall the last</p> <p>6 time you actually spoken to him?</p> <p>7 A. No, I do not.</p> <p>8 Q. Do you know how long the</p> <p>9 Mackenzie Rose had been in the yard?</p> <p>10 MR. RODGERS: If you know.</p> <p>11 A. Five months, I believe. It was</p> <p>12 still in the yard when I left and I'm not</p> <p>13 sure when exactly it came out, but I would</p> <p>14 say five months. It was her annual dry</p> <p>15 docking, so.</p> <p>16 Q. So an annual what? For --</p> <p>17 A. COI.</p> <p>18 Q. Okay. So she went into the</p> <p>19 yard, you left -- you said you left in</p> <p>20 January?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And how long had it been in the</p> <p>23 yard before that?</p> <p>24 A. A week or two maybe, it wasn't</p> <p>25 very long.</p>	<p>1 Q. Had that shipyard evolution for</p> <p>2 the COI been planned --</p> <p>3 A. Yes.</p> <p>4 Q. -- for some period of time?</p> <p>5 A. Yes.</p> <p>6 Q. And is that the port captain's</p> <p>7 responsibility, or does somebody else</p> <p>8 handle that?</p> <p>9 A. That would be the engineering</p> <p>10 department.</p> <p>11 Q. So is there a port engineer for</p> <p>12 the company that handles that sort of</p> <p>13 thing?</p> <p>14 A. There is, yes.</p> <p>15 Q. And when you were Port Captain,</p> <p>16 who was the port engineer?</p> <p>17 A. Chris Nunamann.</p> <p>18 Q. Nunamann?</p> <p>19 A. Yes. Don't ask me how to spell</p> <p>20 it because I have no idea.</p> <p>21 Q. Okay.</p> <p>22 THE REPORTER: And it's COI,</p> <p>23 the acronym, right?</p> <p>24 THE WITNESS: Yes ma'am?</p> <p>25 Q. And just for clarification of</p>
Page 27	Page 29
<p>1 Q. And then you think -- maybe I</p> <p>2 misunderstood. I heard you say something</p> <p>3 about five months, and I'm just trying to</p> <p>4 understand. It wasn't in the yard for five</p> <p>5 months, or was it?</p> <p>6 A. I don't know. I'm assuming or</p> <p>7 just remembering --</p> <p>8 MR. RODGERS: Don't assume.</p> <p>9 THE WITNESS: Okay.</p> <p>10 MR. RODGERS: And don't guess.</p> <p>11 A. So I don't know. I don't know</p> <p>12 how long it was in there. When I left, it</p> <p>13 was still in the shipyard.</p> <p>14 Q. Okay.</p> <p>15 A. I don't know when it came out.</p> <p>16 Q. All right. And it had gone</p> <p>17 there -- gone in there a couple of weeks</p> <p>18 before you left?</p> <p>19 A. Correct.</p> <p>20 Q. All right. So did you leave</p> <p>21 like January 1, January 30? I'm just</p> <p>22 trying to, kind of, put a timeframe on</p> <p>23 this.</p> <p>24 A. I think it was the end of</p> <p>25 January. I don't know the exact date.</p>	<p>1 record, COI stands for certificate of</p> <p>2 inspection, right?</p> <p>3 A. Yes, that's correct.</p> <p>4 Q. So let me ask about Captain</p> <p>5 Morrissey. Did he leave the company while</p> <p>6 you were still port engineer -- excuse me,</p> <p>7 Port Captain?</p> <p>8 MR. RODGERS: I think you said</p> <p>9 Moore.</p> <p>10 MR. CHAPMAN: I said Captain</p> <p>11 Morrissey, I thought --</p> <p>12 MR. RODGERS: Miller.</p> <p>13 MR. CHAPMAN: Thought so.</p> <p>14 MR. RODGERS: Okay.</p> <p>15 MR. CHAPMAN: I mean, Captain</p> <p>16 James Morrissey.</p> <p>17 MR. RODGERS: Oh, Morrissey. I</p> <p>18 though you said Moore. Sorry. My</p> <p>19 hearing.</p> <p>20 Q. Did Captain James Morrissey</p> <p>21 leave Carver before you did?</p> <p>22 A. I'm not sure. I don't know.</p> <p>23 As far as I knew, after this incident</p> <p>24 happened, he was still an employee of the</p> <p>25 company. However, he was not working on</p>

LEONARD BALDASSARE

April 29, 2025

<p style="text-align: right;">Page 30</p> <p>1 any of the boats.</p> <p>2 Q. So the -- once he brought this</p> <p>3 barge, or the -- once the Mackenzie Rose</p> <p>4 delivered this barge to the bridge</p> <p>5 construction location in New Jersey --</p> <p>6 A. Mm-hmm.</p> <p>7 Q. -- he didn't sail again for</p> <p>8 Carver?</p> <p>9 A. To my knowledge, no.</p> <p>10 Q. Would you have like crew</p> <p>11 assignment responsibility so that you would</p> <p>12 actually know that?</p> <p>13 A. Yes. But I believe he was</p> <p>14 removed from the vessel by upper</p> <p>15 management. It was kind of above my pay</p> <p>16 grade.</p> <p>17 Q. So you didn't make that</p> <p>18 decision?</p> <p>19 A. I did not. It was made by</p> <p>20 upper management.</p> <p>21 Q. And when you say "upper</p> <p>22 management," do you mean Mr. Moore?</p> <p>23 A. Correct.</p> <p>24 MR. RODGERS: I just want to</p> <p>25 talk to the witness for a minute.</p>	<p style="text-align: right;">Page 32</p> <p>1 Morrissey had been removed?</p> <p>2 A. No.</p> <p>3 Q. Did you have any communication</p> <p>4 with anybody at the company during those</p> <p>5 eight weeks that you were enjoying your</p> <p>6 paternity leave?</p> <p>7 A. In regards to this situation or</p> <p>8 just in general?</p> <p>9 Q. Just in general.</p> <p>10 A. I did, yes.</p> <p>11 Q. Okay.</p> <p>12 A. Just congratulations, is --</p> <p>13 Q. Well wishes?</p> <p>14 A. Correct.</p> <p>15 Q. Okay. Anything</p> <p>16 business-related?</p> <p>17 A. No.</p> <p>18 Q. So when you come back -- let's</p> <p>19 see -- you said June 24th, right?</p> <p>20 A. Yes.</p> <p>21 Q. You came back late August of</p> <p>22 2024?</p> <p>23 A. Correct.</p> <p>24 Q. And Captain Morrissey was not</p> <p>25 sailing?</p>
<p style="text-align: right;">Page 31</p> <p>1 Are you okay with that, Jim.</p> <p>2 MR. CHAPMAN: You know, I'm</p> <p>3 really not.</p> <p>4</p> <p>5 MR. RODGERS: All right. I'll</p> <p>6 do it in front of you. Well, I can,</p> <p>7 but I don't want to waste a lot of</p> <p>8 time. Off the record.</p> <p>9 (Whereupon, a discussion was</p> <p>10 held off the record.)</p> <p>11 THE WITNESS: This incident</p> <p>12 happened, and then on June 24th, I</p> <p>13 was out for eight weeks on paternity</p> <p>14 leave. So anything that --</p> <p>15 MR. RODGERS: That's it.</p> <p>16 That's what he need.</p> <p>17 THE WITNESS: Okay.</p> <p>18 MR. RODGERS: He can ask you</p> <p>19 now what you remember and know.</p> <p>20 THE WITNESS: Sure, understood.</p> <p>21 Q. I'm sorry, eight weeks of</p> <p>22 paternity leave?</p> <p>23 A. Yes.</p> <p>24 Q. While you were on paternity</p> <p>25 leave, did anybody inform you that Captain</p>	<p style="text-align: right;">Page 33</p> <p>1 A. Correct.</p> <p>2 Q. Right. And was that when you</p> <p>3 learned that he'd been removed from any</p> <p>4 operational position?</p> <p>5 A. Yes.</p> <p>6 Q. Was he doing anything else for</p> <p>7 the company?</p> <p>8 A. I do not know.</p> <p>9 Q. You didn't see him?</p> <p>10 A. I did not see him, no.</p> <p>11 Q. You didn't have any</p> <p>12 communication with him?</p> <p>13 A. I did not.</p> <p>14 Q. Do you know whether he's still</p> <p>15 being paid?</p> <p>16 A. I do not know.</p> <p>17 Q. And at any time before you left</p> <p>18 Carver in January of 2025, did Captain</p> <p>19 Morrissey ever come back?</p> <p>20 A. No.</p> <p>21 Q. Did you ever come to learn that</p> <p>22 the reason Captain Morrissey was removed</p> <p>23 was because of the incident involving the</p> <p>24 allision with the Belt Line Bridge?</p> <p>25 MR. RODGERS: Objection to</p>

LEONARD BALDASSARE

April 29, 2025

Page 34	Page 36
<p>1 form. You can answer if you know.</p> <p>2 A. I don't know. I'm not sure. I</p> <p>3 was just -- I figured that that was the</p> <p>4 reason why.</p> <p>5 Q. You never asked?</p> <p>6 A. I never asked.</p> <p>7 Q. Would there be any other reason</p> <p>8 that he would not --</p> <p>9 A. No.</p> <p>10 Q. -- come back?</p> <p>11 A. No. That's why I just figured</p> <p>12 that that was the reason why.</p> <p>13 Q. Do you have any idea what he's</p> <p>14 doing today?</p> <p>15 A. I do not.</p> <p>16 Q. So let me turn to the Engineer</p> <p>17 Jacob McGrath?</p> <p>18 A. Jason.</p> <p>19 Q. Jason, excuse me. Thank you.</p> <p>20 Jason McGrath. Was he still employed by</p> <p>21 the company when you left in January 2025?</p> <p>22 A. He was not.</p> <p>23 Q. Do you know when he left?</p> <p>24 A. I do not.</p> <p>25 Q. Did it have anything to do with</p>	<p>1 to --</p> <p>2 THE REPORTER: I know.</p> <p>3 THE WITNESS: -- Stopping.</p> <p>4 THE REPORTER: It's not usual</p> <p>5 conversation.</p> <p>6 MR. RODGERS: -- from New York.</p> <p>7 THE WITNESS: Yes.</p> <p>8 THE REPORTER: Literally.</p> <p>9 Q. Were you involved in hiring</p> <p>10 Captain Morrissey?</p> <p>11 A. I was not.</p> <p>12 Q. Do you know who had that</p> <p>13 responsibility?</p> <p>14 A. I do not know. He was employed</p> <p>15 when I was -- he was already there when I</p> <p>16 came on board.</p> <p>17 Q. So you don't know when he was</p> <p>18 hired before --</p> <p>19 A. I do not know.</p> <p>20 Q. -- before that? Okay.</p> <p>21 Did -- when you were Port Captain, was</p> <p>22 there any process for evaluating the</p> <p>23 capabilities of people that were currently</p> <p>24 employed? Like you'd go out and watch them</p> <p>25 at work or review their daily logs or any</p>
Page 35	Page 37
<p>1 the allision?</p> <p>2 A. I do not know.</p> <p>3 Q. Do you know whether he quit --</p> <p>4 A. I do not know.</p> <p>5 Q. -- or he was asked to leave?</p> <p>6 A. I think whenever it happened I</p> <p>7 was not -- I was out, so I don't know.</p> <p>8 MR. CHAPMAN: I'm just going to</p> <p>9 intervene for a second. Are you able</p> <p>10 to get all that down? I know we're</p> <p>11 kind of talking back and forth.</p> <p>12 MR. RODGERS: You got to wait</p> <p>13 for him to finish his questions.</p> <p>14 THE WITNESS: I know. I'm</p> <p>15 sorry. I'll try to slow down.</p> <p>16 MR. CHAPMAN: Yeah, you're</p> <p>17 doing fine.</p> <p>18 THE REPORTER: I'm -- yeah.</p> <p>19 Just give it a pause.</p> <p>20 THE WITNESS: Okay.</p> <p>21 THE REPORTER: I know you want</p> <p>22 to answer.</p> <p>23 THE WITNESS: Sorry.</p> <p>24 THE REPORTER: It's okay.</p> <p>25 THE WITNESS: I'm just not used</p>	<p>1 of that sort of thing?</p> <p>2 A. Yes. So the captains were</p> <p>3 responsible for evaluating their mates and</p> <p>4 deck hands, the port engineers would be</p> <p>5 responsibile for evaluating the engineers</p> <p>6 on the boats, and then myself or Brian</p> <p>7 would be responsible for doing annual ride</p> <p>8 alongs with the captains to just kind of</p> <p>9 make sure that they were following policies</p> <p>10 and procedures.</p> <p>11 Q. So how many ride alongs did you</p> <p>12 do in the year that you worked for Carver?</p> <p>13 A. I would say at least five.</p> <p>14 Q. Was there anybody else that did</p> <p>15 ride alongs?</p> <p>16 A. Brian Moore.</p> <p>17 Q. Okay. And is a ride</p> <p>18 along -- can you describe that for us?</p> <p>19 Like, what do you mean by that?</p> <p>20 A. Sure. Yeah. So I would get on</p> <p>21 the boat in the morning when I got in, say</p> <p>22 they had a couple of jobs that they would</p> <p>23 be doing, delivering barges, whatever it</p> <p>24 may be. I would go with them, I'd be in</p> <p>25 the wheelhouse with the captain and I'd</p>

LEONARD BALDASSARE

April 29, 2025

<p style="text-align: right;">Page 38</p> <p>1 kind of just, you know, make sure that he</p> <p>2 was operating the vessel safely.</p> <p>3 Q. And this is specific to the</p> <p>4 master of the vessel, right?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Okay. Did you ever do anything</p> <p>7 similar with the mates?</p> <p>8 A. No. The mates would be</p> <p>9 evaluated by the captains, and then if</p> <p>10 there was any type of issues, then myself</p> <p>11 or Brian would get involved and do our own</p> <p>12 ride along and assessment.</p> <p>13 Q. Is there any form that would be</p> <p>14 filled out in connection with those ride</p> <p>15 along assessments?</p> <p>16 A. I believe so, yes.</p> <p>17 Q. Where would you enter that</p> <p>18 data? Where -- what form is it that you're</p> <p>19 talking about?</p> <p>20 A. It would go into the Helm</p> <p>21 CONNECT.</p> <p>22 Q. So there's some sort of</p> <p>23 evaluation process?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Okay. So do the masters have</p>	<p style="text-align: right;">Page 40</p> <p>1 four hours, maybe the whole day?</p> <p>2 A. It would mostly be local stuff.</p> <p>3 I wouldn't normally go for a multiple day</p> <p>4 voyage.</p> <p>5 Q. So the -- you said about five</p> <p>6 that you could -- you had done in the year</p> <p>7 that you were there, they were all less</p> <p>8 than a full day?</p> <p>9 A. No, it would be a full day.</p> <p>10 Q. Oh, they would be a full day?</p> <p>11 A. Yes, yes.</p> <p>12 Q. You spend the whole day on the</p> <p>13 boat?</p> <p>14 A. Correct.</p> <p>15 Q. Drinking the coffee on the</p> <p>16 boat?</p> <p>17 A. Doing what I got to do.</p> <p>18 Q. Okay. But there would be a</p> <p>19 form filled out for that -- a check ride or</p> <p>20 ride along.</p> <p>21 A. Yes.</p> <p>22 Q. And there should be a similar</p> <p>23 form filled out by the master for the mate</p> <p>24 that they work with, right?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 39</p> <p>1 to do that for the mates?</p> <p>2 A. They do, yes.</p> <p>3 Q. And how frequently do they have</p> <p>4 to do that?</p> <p>5 A. It's annually.</p> <p>6 Q. And you said that the port</p> <p>7 engineer was responsible for evaluating the</p> <p>8 engineer assigned to each vessel?</p> <p>9 A. Correct.</p> <p>10 Q. Is that done also in some kind</p> <p>11 of ride along, or?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. So would the ride along</p> <p>14 ever take this bridge allision incident as</p> <p>15 an example? They started in Chesapeake,</p> <p>16 Virginia with the barge that they had</p> <p>17 picked up, and it took them basically two</p> <p>18 days, maybe a little less, to get to the</p> <p>19 job site where it was being delivered,</p> <p>20 right?</p> <p>21 A. Mm-hmm.</p> <p>22 Q. Would you do a ride along on</p> <p>23 that type of voyage or are you just talking</p> <p>24 about going out like a small job in the</p> <p>25 harbor, where you're out for two hours,</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. And the Mackenzie Rose is</p> <p>2 actually -- it's kind of crewed by two</p> <p>3 crews, right, because there is crew</p> <p>4 changes?</p> <p>5 A. Yes, correct.</p> <p>6 Q. So there's really two masters</p> <p>7 in the Mackenzie Rose?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. When Captain Miller was</p> <p>10 the master, who was the other master that</p> <p>11 worked kind of the other -- is it two week</p> <p>12 on, two week off?</p> <p>13 A. Yes.</p> <p>14 Q. Who was the master that worked</p> <p>15 the other two weeks?</p> <p>16 A. Captain Morrissey.</p> <p>17 Q. So Morrissey was actually a</p> <p>18 captain of the vessel?</p> <p>19 A. In this instance, he was</p> <p>20 working over, which a lot of times people</p> <p>21 do for extra money if we need someone to</p> <p>22 fill in. So he was sailing in the capacity</p> <p>23 of mate when this incident happened.</p> <p>24 Q. Oh, so he was one of the two</p> <p>25 normal masters of the Mackenzie Rose?</p>

LEONARD BALDASSARE

April 29, 2025

Page 42	Page 44
<p>1 A. Yes, sir.</p> <p>2 Q. Okay. And he</p> <p>3 just -- he -- Captain Miller was the other</p> <p>4 master?</p> <p>5 A. Yes.</p> <p>6 Q. All right. So ordinarily, they</p> <p>7 wouldn't be on the same cycle?</p> <p>8 A. No. They would technically</p> <p>9 work opposite of each other.</p> <p>10 Q. Okay. So did you ever do a</p> <p>11 check ride with Captain Morrissey?</p> <p>12 A. I don't think I did, no.</p> <p>13 Q. Okay. I mean, you were there</p> <p>14 for a year, so --</p> <p>15 A. Yes.</p> <p>16 Q. -- somebody would've done one?</p> <p>17 A. Somebody would've done one.</p> <p>18 But when this happened, I had only been</p> <p>19 there for five months, so -- or six months,</p> <p>20 whatever it was.</p> <p>21 Q. Okay. And then you said you</p> <p>22 didn't work after that --</p> <p>23 A. Correct.</p> <p>24 Q. -- right? Okay. But somebody</p> <p>25 did one or you would expect there to --</p>	<p>1 Q. Okay. Are there any other</p> <p>2 opportunities to evaluate someone's</p> <p>3 competence during the work that they're</p> <p>4 doing on a tug besides those annual reviews</p> <p>5 that you just mentioned?</p> <p>6 A. I don't really understand what</p> <p>7 you're asking, I'm sorry.</p> <p>8 Q. Yeah. I'm trying -- well, you</p> <p>9 told us Captain Morrissey was one of the</p> <p>10 two captains on the vessel.</p> <p>11 A. Right.</p> <p>12 Q. He was operating in the role of</p> <p>13 being the mate for this particular two-week</p> <p>14 assignment, right?</p> <p>15 A. Right.</p> <p>16 Q. I'm just -- and you explained</p> <p>17 that there's an annual review process and a</p> <p>18 form to be filled out?</p> <p>19 A. Mm-hmm.</p> <p>20 THE REPORTER: Yes?</p> <p>21 A. Yes.</p> <p>22 Q. So what I'm trying to</p> <p>23 understand, is there any other time or</p> <p>24 other opportunity other than annually where</p> <p>25 any of those roles would actually be</p>
Page 43	Page 45
<p>1 A. At some point, somebody prior</p> <p>2 to me being there would I -- would've done</p> <p>3 one.</p> <p>4 Q. Okay. Do you know what that</p> <p>5 form's called?</p> <p>6 A. I do not recall what -- it's</p> <p>7 under in the Helm CONNECT. I'm not sure.</p> <p>8 MR. RODGERS: You're referring</p> <p>9 to the ride along form?</p> <p>10 MR. CHAPMAN: Yes.</p> <p>11 MR. RODGERS: Okay.</p> <p>12 Q. Or the annual review form,</p> <p>13 whether it's called ride along, I don't</p> <p>14 know.</p> <p>15 A. Yeah. I'm not sure what it's</p> <p>16 called in Helm. I'm sorry.</p> <p>17 Q. And would there be a -- there'd</p> <p>18 be -- is there one specific to the master</p> <p>19 of the vessel and another one that's</p> <p>20 specific to the evaluation of the mate on</p> <p>21 the vessel, and another one that's specific</p> <p>22 to the evaluation of the engineer on the</p> <p>23 vessel?</p> <p>24 A. Yes. It's separate forms for</p> <p>25 each position.</p>	<p>1 formally evaluated?</p> <p>2 A. Not formally, no.</p> <p>3 Q. Okay. Are there any other</p> <p>4 forms to be filled out in Helm that involve</p> <p>5 an evaluation of crew personnel?</p> <p>6 A. No.</p> <p>7 Q. Did you do anything to prepare</p> <p>8 to testify today?</p> <p>9 MR. RODGERS: Other than</p> <p>10 meeting with me.</p> <p>11 MR. CHAPMAN: Well -- okay. We</p> <p>12 can start there, but I'm just asking</p> <p>13 in his mind whether he did anything</p> <p>14 to prepare.</p> <p>15 A. Just meeting with Jim.</p> <p>16 Q. Okay. Mr. Rodgers?</p> <p>17 A. Mr. Rogers, sorry.</p> <p>18 Q. All right. And was that today?</p> <p>19 A. It was this morning in your</p> <p>20 office, and then previously last week --</p> <p>21 Q. And other times?</p> <p>22 A. Yeah, last week on the phone.</p> <p>23 Q. Okay, okay. I'm not going to</p> <p>24 dive into what you guys talked about, but</p> <p>25 did you do anything else in your mind to</p>

LEONARD BALDASSARE

April 29, 2025

Page 46	Page 48
<p>1 prepare for this testimony?</p> <p>2 A. No. Say a prayer this morning</p> <p>3 on the way in.</p> <p>4 Q. Did you review any documents at</p> <p>5 all?</p> <p>6 A. No.</p> <p>7 Q. So just trying to understand,</p> <p>8 you seem very alert, but I want to make</p> <p>9 sure, did you sleep okay last night?</p> <p>10 A. Yes.</p> <p>11 Q. All right. Are you taking any</p> <p>12 medications or substances that would impair</p> <p>13 your ability to understand my questions or</p> <p>14 provide truthful answers?</p> <p>15 A. No.</p> <p>16 Q. Have you ever testified before?</p> <p>17 A. I have not, no.</p> <p>18 Q. Okay. So this deposition is</p> <p>19 the first time you've ever done</p> <p>20 this -- ever done a deposition?</p> <p>21 A. Correct, yes.</p> <p>22 Q. All right. But never testified</p> <p>23 at trial, a hearing, anything like that?</p> <p>24 A. The -- one with the Coast Guard</p> <p>25 about this -- the MTSB meeting with the</p>	<p>1 about the Mackenzie Rose eliding with the</p> <p>2 Belt Line Bridge on June 15th, 2024?</p> <p>3 A. Captain Miller called me, told</p> <p>4 me that they were coming through the</p> <p>5 bridge, that Captain Morrissey got out of</p> <p>6 shape, and landed on the fendering inside</p> <p>7 of the bridge and slid through the bridge,</p> <p>8 and that there was no damage to the bridge</p> <p>9 or to the vessel or barge.</p> <p>10 Q. So when Captain Miller called</p> <p>11 you, did you pick up right away, or did he</p> <p>12 leave a message and you called him back?</p> <p>13 A. I believe I picked up right</p> <p>14 away.</p> <p>15 Q. And what were you doing at the</p> <p>16 time that he called?</p> <p>17 A. I don't remember.</p> <p>18 Q. So Saturday afternoon?</p> <p>19 A. Yes.</p> <p>20 Q. In the middle of June?</p> <p>21 A. Yes.</p> <p>22 Q. Do you know where you were?</p> <p>23 A. I was home.</p> <p>24 Q. How many conversations did you</p> <p>25 have with Captain Miller?</p>
Page 47	Page 49
<p>1 Coast Guard, which I believe you were on</p> <p>2 also.</p> <p>3 Q. That was a Zoom meeting --</p> <p>4 A. Yes.</p> <p>5 Q. -- right?</p> <p>6 A. Correct.</p> <p>7 Q. So -- and I honestly don't know</p> <p>8 whether the Coast Guard put you under oath.</p> <p>9 A. They did.</p> <p>10 Q. But you provided some answers</p> <p>11 to questions.</p> <p>12 A. Yes.</p> <p>13 Q. Any other occasions than</p> <p>14 that --</p> <p>15 A. No.</p> <p>16 Q. -- where you've testified?</p> <p>17 A. No.</p> <p>18 Q. Do you understand the term</p> <p>19 "allision?"</p> <p>20 A. Yes, sir.</p> <p>21 Q. And what it means for a vessel</p> <p>22 to a elide with a -- to hit a fixed object,</p> <p>23 right?</p> <p>24 A. Yes.</p> <p>25 Q. Tell us how you first learned</p>	<p>1 A. That day?</p> <p>2 Q. Yes, sir.</p> <p>3 A. I don't really recall.</p> <p>4 Q. More than one?</p> <p>5 A. Yes.</p> <p>6 Q. In the first phone conversation</p> <p>7 that you had with him, did he tell you that</p> <p>8 they had taken a photograph?</p> <p>9 A. No, he did not.</p> <p>10 Q. Did you ask him to take a</p> <p>11 photograph?</p> <p>12 A. I did.</p> <p>13 Q. In that first conversation?</p> <p>14 A. Yes.</p> <p>15 Q. All right. Did you</p> <p>16 subsequently receive a photograph?</p> <p>17 A. I did.</p> <p>18 Q. Was it more than one?</p> <p>19 A. I believe it was four or five.</p> <p>20 Q. And did you receive them all at</p> <p>21 the same time, or did you receive them in</p> <p>22 groups or --</p> <p>23 A. I think they came in all at</p> <p>24 once.</p> <p>25 Q. All right.</p>

LEONARD BALDASSARE

April 29, 2025

Page 50	Page 52
<p>1 A. Yeah.</p> <p>2 Q. And what do you recall the</p> <p>3 photos being?</p> <p>4 A. There was a few of the bridge,</p> <p>5 there was one of the barge, and then there</p> <p>6 was one of the tug.</p> <p>7 Q. And when you had -- after you</p> <p>8 first spoke to Captain Miller, took his</p> <p>9 phone call and he told you this situation,</p> <p>10 who did you contact?</p> <p>11 A. Brian Moore.</p> <p>12 Q. And did he pick up when you</p> <p>13 called him?</p> <p>14 A. I think so, yeah. I believe he</p> <p>15 did.</p> <p>16 Q. What did you tell him?</p> <p>17 A. Told him that Captain Miller</p> <p>18 just called me, that Captain Morrissey was</p> <p>19 coming through the bridge, got out of</p> <p>20 shape, landed on the fendering. There was</p> <p>21 no damage that anyone could see, and that</p> <p>22 they were going to send me some photos and</p> <p>23 then I would send him the photos once I got</p> <p>24 them.</p> <p>25 Q. So when Captain Miller told you</p>	<p>1 record. Just --</p> <p>2 A. Can you repeat what you just</p> <p>3 asked, I'm sorry?</p> <p>4 Q. Yeah. I'm just trying to</p> <p>5 understand. You took a paper clip -- a</p> <p>6 couple of clips and used them, I assume as</p> <p>7 the fenders of a bridge -- the channel</p> <p>8 opening?</p> <p>9 A. It could be anything, buoys,</p> <p>10 anything.</p> <p>11 Q. But getting out of shape to you</p> <p>12 or what you understood Captain Miller to</p> <p>13 say to you involved the vessel moving in</p> <p>14 some direction that it wasn't intended to</p> <p>15 move?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. And what causes a vessel</p> <p>18 to get out of shape?</p> <p>19 A. Wind, current, tide, there</p> <p>20 could be a few things of that nature.</p> <p>21 Q. In your first conversation with</p> <p>22 Captain Miller, did you ask to talk to</p> <p>23 Captain Morrissey?</p> <p>24 A. I did not.</p> <p>25 Q. Did Captain Miller tell you</p>
Page 51	Page 53
<p>1 that Captain Morrissey had gotten out of</p> <p>2 shape, is that -- is it -- does "getting</p> <p>3 out of shape" have some meaning that you</p> <p>4 can explain for us?</p> <p>5 A. If you are going through this</p> <p>6 opening, and you're lining up to come</p> <p>7 through the center, and you start sliding a</p> <p>8 little bit, that's getting out of shape.</p> <p>9 Q. So the vessel is drifting in</p> <p>10 some way or --</p> <p>11 A. Well, there's --</p> <p>12 Q. -- steering in a way that you</p> <p>13 don't intend it to?</p> <p>14 MR. RODGERS: Just for the</p> <p>15 record, he's testifying as a fact</p> <p>16 witness, not as an expert.</p> <p>17 MR. CHAPMAN: Yeah. I'm just</p> <p>18 asking him to explain.</p> <p>19 MR. RODGERS: Just putting it</p> <p>20 on the record.</p> <p>21 MR. CHAPMAN: He said those</p> <p>22 were Miller's words, and I'm --</p> <p>23 MR. RODGERS: No, he's</p> <p>24 fine -- I'm fine with him testifying.</p> <p>25 I just want to put that on the</p>	<p>1 where on the vessel he was calling from?</p> <p>2 A. When -- Captain Miller?</p> <p>3 Q. Yeah.</p> <p>4 A. Yeah. He was calling from the</p> <p>5 wheelhouse, he told me.</p> <p>6 Q. And what I -- I've learned that</p> <p>7 there's a phone that goes with the tug?</p> <p>8 A. Yes.</p> <p>9 Q. Maybe there's more than one,</p> <p>10 but there's at least one phone, right?</p> <p>11 A. There's one boat phone for the</p> <p>12 vessel.</p> <p>13 Q. Okay. Call the boat phone,</p> <p>14 right?</p> <p>15 A. Yes.</p> <p>16 Q. And when that phone shows up on</p> <p>17 your phone, it says, "Tug Mackenzie Rose</p> <p>18 calling -- "</p> <p>19 A. Yes, sir.</p> <p>20 Q. -- right? So that's why you</p> <p>21 know to pick it up.</p> <p>22 A. Yes, sir.</p> <p>23 Q. And would you expect the master</p> <p>24 of the vessel to call you whenever there is</p> <p>25 an incident that involves the vessel</p>

LEONARD BALDASSARE

April 29, 2025

Page 54	Page 56
1 contacting a fixed object?	1 I assume was right away was to Brian Moore?
2 A. Yes.	2 A. Yes, sir.
3 Q. So it says, "Tug Mackenzie	3 Q. And you've told us what you
4 Rose," and you assume that you're going to	4 told him.
5 end up talking to the master on the vessel.	5 A. Yes.
6 It might be somebody else, but --	6 Q. And you were waiting on photos?
7 A. Yeah.	7 A. Yes.
8 Q. -- your first inclination is,	8 Q. How soon after you talked to
9 "It's the captain calling."	9 Mr. Moore did those photos arrive?
10 A. Correct.	10 A. I don't really recall, but
11 Q. The master calling?	11 within the hour. It was fairly quick.
12	12 Q. They were delivered to you how?
13	13 A. Via text message.
14 MR. RODGERS: Objection to	14 Q. From the boat phone?
15 form. You can answer.	15 A. Yes, sir.
16 A. Yes.	16 Q. So the photos were taken with
17 Q. Okay. Did you have calls from	17 the boat phone and then simply forwarded to
18 any other of the Carver vessels that day?	18 you?
19 A. I don't recall.	19 A. Yes.
20 Q. The phone, was it like an	20 Q. Okay. In the time that you
21 iPhone or was it an Android device?	21 continued to work for Carver, did you ever
22 A. The boat phone?	22 delete those photos from the company phone?
23 Q. No. The phone that you were	23 A. I did not, no.
24 assigned, I'm sorry. Good clarification.	24 Q. So at least when you left, they
25 A. It was an iPhone.	25 should have still been on there?
Page 55	Page 57
1 Q. All right. And the phone on	1 A. Yes.
2 the boat, do you know whether it's also an	2 Q. Was there any message that came
3 iPhone?	3 with any of the photos that were sent to
4 A. It was also an iPhone.	4 you from the boat phone?
5 MR. RODGERS: Just to clarify	5 A. I don't recall.
6 for me, the boat phone was an iPhone.	6 Q. Did you at any time while you
7 THE WITNESS: Yes.	7 were still employed by Carver, if there was
8 MR. RODGERS: Okay.	8 a text message that came with those photos,
9 Q. Okay. So the phone itself, at	9 ever delete them?
10 least for some period of time, would've a	10 A. No.
11 log of when that call was placed to you and	11 Q. After you spoke to Mr. Moore,
12 the duration that you spoke to Captain	12 did you call the boat back?
13 Miller, right?	13 A. I did.
14 A. I would think so. I'm not a	14 Q. And what did you tell them?
15 phone expert, but yes.	15 A. I told them that Brian and I
16 Q. Well, you've got an iPhone	16 were going to review the photos and discuss
17 today?	17 the course of action.
18 A. I do.	18 Q. So did you tell them to
19 Q. Okay. Your personal phone is	19 standby?
20 an iPhone?	20 A. Yes.
21 A. It is.	21 Q. And when -- you told us you got
22 Q. Right. And that's the way they	22 the photos within the hour?
23 work?	23 A. Mm-hmm.
24 A. Yes.	24 Q. Is it your recollection that
25 Q. Right. So the next call, which	25 you got photos of the bridge and the barge

LEONARD BALDASSARE

April 29, 2025

Page 58	Page 60
<p>1 within the hour?</p> <p>2 A. Yes.</p> <p>3 Q. All right. And they came as a</p> <p>4 group or one at a time, do you recall?</p> <p>5 A. I don't recall.</p> <p>6 Q. But they all came at about the</p> <p>7 same time?</p> <p>8 A. Yes.</p> <p>9 Q. That's your memory, okay. Then</p> <p>10 once you got the photos, did you send them</p> <p>11 to Brian?</p> <p>12 A. I did, yes.</p> <p>13 Q. And does he have a company</p> <p>14 phone or did he have a company phone?</p> <p>15 A. I don't know, honestly.</p> <p>16 Q. You had his -- presumably had</p> <p>17 his cell number in your contact, right?</p> <p>18 A. Yeah. I think it was his work</p> <p>19 phone, yeah.</p> <p>20 Q. Okay.</p> <p>21 A. Yeah.</p> <p>22 MR. RODGERS: Don't guess.</p> <p>23 THE WITNESS: Okay.</p> <p>24 Q. But --</p> <p>25 A. I don't know.</p>	<p>1 Q. Now, I assume that you talked</p> <p>2 to Mr. Moore again after you sent him the</p> <p>3 photos?</p> <p>4 A. Yes.</p> <p>5 Q. Tell us about that</p> <p>6 conversation.</p> <p>7 A. We discussed the photos --</p> <p>8 MR. RODGERS: Just -- sorry to</p> <p>9 interrupt, Jim. Are you talking</p> <p>10 about on the phone, or just</p> <p>11 some -- that day on the phone.</p> <p>12 MR. CHAPMAN: That day, yeah.</p> <p>13 MR. RODGERS: Okay, go ahead.</p> <p>14 Q. Focused -- still focused on</p> <p>15 June 15th.</p> <p>16 A. Okay. Yeah, sure. Yeah. We</p> <p>17 spoke about the photos, we went over what</p> <p>18 Captain Miller told us happened. We didn't</p> <p>19 observe any damage anywhere to our</p> <p>20 knowledge, and we both agreed that it would</p> <p>21 be okay for the vessel to proceed and that</p> <p>22 we would discuss it further on Monday.</p> <p>23 Q. So in your conversation with</p> <p>24 Mr. Moore after sending him the photos, was</p> <p>25 there any discussion about the need to</p>
Page 59	Page 61
<p>1 Q. But you do know that you sent</p> <p>2 them to him?</p> <p>3 A. I did, yes.</p> <p>4 Q. Okay. Did you include any text</p> <p>5 message when you sent them?</p> <p>6 A. I don't recall. I don't</p> <p>7 recall.</p> <p>8 Q. The photos that you sent to him</p> <p>9 with your company phone, at any time before</p> <p>10 you left Carver, did you ever delete those</p> <p>11 text messages?</p> <p>12 A. No.</p> <p>13 Q. To Mr. Moore?</p> <p>14 A. No, I never deleted anything.</p> <p>15 Q. Okay. In the seven months, six</p> <p>16 months or so that you were still employed</p> <p>17 by Carver before you left and turned your</p> <p>18 phone back in, did you -- was that phone</p> <p>19 ever replaced?</p> <p>20 A. No.</p> <p>21 Q. So same phone?</p> <p>22 A. Yes, sir.</p> <p>23 Q. From June 15th to when you gave</p> <p>24 it back to him in January of 2025?</p> <p>25 A. Yes.</p>	<p>1 report the incident to the Coast Guard?</p> <p>2 A. No. We both felt at the time</p> <p>3 that reporting it was not necessary because</p> <p>4 there was no damage or anything to report.</p> <p>5 Q. But you did actively discuss</p> <p>6 whether it should be reported?</p> <p>7 A. Yes.</p> <p>8 Q. To the Coast Guard?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. What about reporting it</p> <p>11 to the Bridge, to the Belt Line Bridge, was</p> <p>12 that discussed?</p> <p>13 A. No.</p> <p>14 Q. Just the possibility of</p> <p>15 reporting to the Coast Guard?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Did either of you -- did you</p> <p>18 contact the Coast Guard that day?</p> <p>19 A. Not that day, no.</p> <p>20 Q. So after you talked to</p> <p>21 Mr. Moore, did you call the boat back?</p> <p>22 A. Yes.</p> <p>23 Q. And who did you speak with?</p> <p>24 A. Captain Miller again.</p> <p>25 Q. So then one more phone</p>

LEONARD BALDASSARE

April 29, 2025

Page 62	Page 64
<p>1 conversation, it sounds like the third</p> <p>2 conversation you would've had with the boat</p> <p>3 on the afternoon of June 15th, 2024 about</p> <p>4 the allision?</p> <p>5 A. Yes.</p> <p>6 Q. All right. And what did you</p> <p>7 tell -- or what did you and Captain Miller</p> <p>8 talk about?</p> <p>9 A. I told him that Brian and I had</p> <p>10 discussed it. There was no damage to the</p> <p>11 tug, there was no damage to the barge.</p> <p>12 They told us from what they could see that</p> <p>13 there was no damage to the bridge, so we</p> <p>14 agreed that it would be okay to proceed.</p> <p>15 Q. And the photo of the bridge</p> <p>16 that they sent you did not indicate -- or</p> <p>17 you didn't think that there was any damage</p> <p>18 to the Railroad Bridge?</p> <p>19 A. Correct.</p> <p>20 Q. In any of -- you told us that</p> <p>21 you didn't talk to Captain Morrissey in the</p> <p>22 first conversation, but in any of the</p> <p>23 conversations that you had with the</p> <p>24 boat -- I'll call it, on June 15th, did you</p> <p>25 talk to anybody other than Captain Miller?</p>	<p>1 MR. RODGERS: Is your last</p> <p>2 question notified the Coast Guard on</p> <p>3 the -- on June 15th? Is that what</p> <p>4 your question was?</p> <p>5 MR. CHAPMAN: I think so. Let</p> <p>6 me to read it back.</p> <p>7 MR. RODGERS: You understood he</p> <p>8 was talking about the day of the</p> <p>9 collision.</p> <p>10 THE WITNESS: He was asking if</p> <p>11 we contacted on the day.</p> <p>12 MR. RODGERS: On the day of</p> <p>13 the --</p> <p>14 THE WITNESS: Yeah, we -- yeah.</p> <p>15 Right. No, we did not, no.</p> <p>16 MR. RODGERS: Yeah.</p> <p>17 Q. And my question was whether</p> <p>18 anybody was instructed -- whether you</p> <p>19 contacted them or not, was anybody, to your</p> <p>20 knowledge, instructed to contact the Coast</p> <p>21 Guard about the allision on June 15th,</p> <p>22 2024?</p> <p>23 A. No, not to my knowledge.</p> <p>24 Q. So when did anybody on behalf</p> <p>25 of Carver first notify the Coast Guard of</p>
Page 63	Page 65
<p>1 A. No.</p> <p>2 Q. Besides Mr. Moore, did you</p> <p>3 speak -- and the -- and Captain Miller, did</p> <p>4 you speak with anybody else with Carver</p> <p>5 about the allision on June 15th, 2024?</p> <p>6 A. I did not, no.</p> <p>7 Q. So the last phone call or the</p> <p>8 third phone call you had with Captain</p> <p>9 Miller, you indicated that it was okay to</p> <p>10 leave and to come on up with the barge to</p> <p>11 destination, right?</p> <p>12 A. Yes.</p> <p>13 Q. Do you know where the tug and</p> <p>14 barge were located when you gave them that</p> <p>15 go ahead?</p> <p>16 A. I do not recall.</p> <p>17 Q. Do you know how long they stood</p> <p>18 by the bridge before getting underway?</p> <p>19 A. I don't know.</p> <p>20 Q. To your knowledge, was anyone</p> <p>21 instructed to notify the Coast Guard about</p> <p>22 the allision on June 15th, 2024?</p> <p>23 A. No.</p> <p>24</p> <p>25</p>	<p>1 the allision?</p> <p>2 A. Monday.</p> <p>3 Q. Monday, June 17th?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Okay. And was that because</p> <p>6 Carver contacted the Coast Guard, or was it</p> <p>7 because the Coast Guard contacted Carver?</p> <p>8 A. We contacted the Coast Guard.</p> <p>9 Q. Okay.</p> <p>10 A. Sector Norfolk, I believe it</p> <p>11 was.</p> <p>12 Q. All right. And who made that</p> <p>13 contact?</p> <p>14 A. I did.</p> <p>15 Q. Who'd you talk to?</p> <p>16 A. Lieutenant Palumbo.</p> <p>17 Q. So you called Sector Norfolk</p> <p>18 for what reason?</p> <p>19 A. To report the allision with the</p> <p>20 bridge.</p> <p>21 Q. And did you, sort of, when you</p> <p>22 made that call, did you ask to speak to her</p> <p>23 personally or did you -- how did that go</p> <p>24 down?</p> <p>25 A. She just happened to answer the</p>

LEONARD BALDASSARE

April 29, 2025

Page 66	Page 68
<p>1 phone for the investigations number.</p> <p>2 Q. That's who you called, was</p> <p>3 investigations?</p> <p>4 A. Yes. That's who you call to</p> <p>5 report.</p> <p>6 Q. To your knowledge, had the</p> <p>7 Coast Guard contacted or attempted to</p> <p>8 contact Harbor before you called Coast</p> <p>9 Guard office in Norfolk to let --</p> <p>10 A. To my knowledge, no.</p> <p>11 Q. What caused you to contact the</p> <p>12 Coast Guard on June 17th?</p> <p>13 A. Brian Moore reached out to me</p> <p>14 in the morning and said that we need to</p> <p>15 call the Coast Guard to report the</p> <p>16 allision.</p> <p>17 Q. And did he tell you how he had</p> <p>18 come to that conclusion?</p> <p>19 A. He did not, no.</p> <p>20 Q. He just told you to do it?</p> <p>21 A. Yes.</p> <p>22 Q. Where were you physically</p> <p>23 working on Monday, June 17th?</p> <p>24 A. In the office in Staten Island.</p> <p>25 Q. And did you use your cell phone</p>	<p>1 tell her?</p> <p>2 A. I told her that on Saturday, we</p> <p>3 were coming through the bridge, we had</p> <p>4 touched up on the fendering and that I was</p> <p>5 going to be reporting it. She then</p> <p>6 instructed me to fill out the Coast Guard</p> <p>7 2692, which I did that day.</p> <p>8 Q. On the 17th?</p> <p>9 A. Yes, sir.</p> <p>10 Q. And did you send a Coast Guard</p> <p>11 2692 to the Coast Guard on June 17th?</p> <p>12 A. I sent it to Brian for review,</p> <p>13 and I believe he was the one that sent it.</p> <p>14 Q. And did he copy you on the</p> <p>15 submission to the Coast Guard?</p> <p>16 A. I believe so.</p> <p>17 Q. So to your memory, was it</p> <p>18 e-mailed to the Coast Guard?</p> <p>19 A. Yes. Usually -- yes. That's</p> <p>20 how it's sent to them. It's e-mailed.</p> <p>21 Q. All right. So there'd be some</p> <p>22 e-mail reflecting that transmission?</p> <p>23 A. Should be, yes.</p> <p>24 Q. And you think Mr. Moore did it?</p> <p>25 A. Yes.</p>
Page 67	Page 69
<p>1 to call?</p> <p>2 A. I used my company cell phone to</p> <p>3 make the phone call.</p> <p>4 Q. Okay. Thank you for that</p> <p>5 clarification. What time did you make that</p> <p>6 call?</p> <p>7 A. I don't recall. Sometime in</p> <p>8 the morning, maybe around 9:00 or 10:00.</p> <p>9 Q. Did Brian Moore call you to</p> <p>10 tell you to make that phone call?</p> <p>11 A. Yes, he did.</p> <p>12 Q. Did he send any e-mail or text</p> <p>13 about making that phone call?</p> <p>14 A. No.</p> <p>15 Q. Okay. When he called you, was</p> <p>16 there any discussion of why he had reached</p> <p>17 the conclusion or what his reasons for</p> <p>18 wanting you to call the Coast Guard were?</p> <p>19 A. No, there was not. He just</p> <p>20 gave me the order to do it.</p> <p>21 Q. So how long was that</p> <p>22 conversation?</p> <p>23 A. Few minutes.</p> <p>24 Q. And when you talked to</p> <p>25 Lieutenant Palumbo that day, what did you</p>	<p>1 Q. You didn't?</p> <p>2 A. I did not, no.</p> <p>3 Q. What was your e-mail address</p> <p>4 when you were employed by Carver?</p> <p>5 MR. RODGERS: Your work</p> <p>6 address, right?</p> <p>7 MR. CHAPMAN: Yeah.</p> <p>8 A. lbaldassare@carvercompanies.com</p> <p>9 .</p> <p>10 Q. At any time before you left</p> <p>11 Carver, do you recall deleting any e-mails</p> <p>12 that pertained to the allision with the</p> <p>13 Norfolk Portsmouth Belt Line Bridge?</p> <p>14 A. No.</p> <p>15 Q. You know in Outlook you can set</p> <p>16 up little folders to put e-mails that you</p> <p>17 want to keep. Did you have a folder for</p> <p>18 the allision or for this incident in your</p> <p>19 e-mail?</p> <p>20 A. I did not, no.</p> <p>21 Q. So it would just be in your</p> <p>22 general inbox or outbox?</p> <p>23 A. Yes.</p> <p>24 Q. Now, in connection with</p> <p>25 contacting the Coast Guard, did you also</p>

LEONARD BALDASSARE

April 29, 2025

Page 70	Page 72
<p>1 contact the Belt Line about the allision?</p> <p>2 A. No.</p> <p>3 Q. Why not?</p> <p>4 A. I was not --</p> <p>5</p> <p>6</p> <p>7 MR. RODGERS: Objection to</p> <p>8 form. You can answer if you --</p> <p>9 A. I was not obstructed</p> <p>10 to -- instructed to, sorry.</p> <p>11 Q. So did it occur to you that the</p> <p>12 Belt Line should be contacted or notified?</p> <p>13 A. No.</p> <p>14 Q. In the initial conversation you</p> <p>15 had with Mr. Moore, when he told you to</p> <p>16 contact the Coast Guard and notify them of</p> <p>17 the allision, did it come up that the Belt</p> <p>18 Line should be contacted or there's no</p> <p>19 reason to contact the Belt Line, anything</p> <p>20 about contacting the Belt Line?</p> <p>21 MR. RODGERS: Objection to</p> <p>22 form. You can answer if you know.</p> <p>23 A. No. Nothing came up in our</p> <p>24 conversation about contacting the Belt</p> <p>25 Line.</p>	<p>1 allision with the Belt Line Bridge?</p> <p>2 A. When the boat got to the yard</p> <p>3 after this voyage, I went on the boat and</p> <p>4 spoke to the crew about what happened, and</p> <p>5 they all told me the same story that they</p> <p>6 had told me on the phone.</p> <p>7 Q. Which was?</p> <p>8 A. That when they were coming</p> <p>9 through the bridge, Captain Morrissey had</p> <p>10 got out of shape. He landed on the</p> <p>11 fendering inside the bridge and slipped</p> <p>12 through on the fendering, and that there</p> <p>13 was no visible damage.</p> <p>14 Q. And you say, "All of the crew,"</p> <p>15 you -- did you talk to all five members of</p> <p>16 the crew?</p> <p>17 A. Yes.</p> <p>18 Q. So just kind of run down,</p> <p>19 Captain Miller, Captain Morrissey?</p> <p>20 A. Yes.</p> <p>21 Q. Engineer McGrath?</p> <p>22 A. Yes.</p> <p>23 Q. And both deck hands?</p> <p>24 A. Yes.</p> <p>25 Q. One's named Morrissey, and the</p>
Page 71	Page 73
<p>1 Q. Yeah. So just to be clear, you</p> <p>2 didn't suggest to Mr. Moore, "Hey, boss,</p> <p>3 should I also contact the railroad in that</p> <p>4 conversation?" Right?</p> <p>5 A. No.</p> <p>6 Q. And likewise, he didn't say,</p> <p>7 "Hey, I want you to call the Coast Guard</p> <p>8 and also call the Belt Line?"</p> <p>9 A. No, he did not say that.</p> <p>10 Q. Okay. So Mr. Moore told us</p> <p>11 that you and he then investigated the</p> <p>12 allision, right?</p> <p>13 A. Mm-hmm.</p> <p>14 MR. RODGERS: Objection to</p> <p>15 form.</p> <p>16 Q. Does that comport with your</p> <p>17 recollection? Do you agree that both of</p> <p>18 you were involved in investigating the</p> <p>19 allision?</p> <p>20 A. Yes. I was up until I was out</p> <p>21 10 days after on paternity leave.</p> <p>22 Q. So tell us what you did after</p> <p>23 June 15th. It sounds like maybe it was</p> <p>24 after June 17th, I don't know, but what you</p> <p>25 did after June 15th to investigate this</p>	<p>1 other one is named Porter?</p> <p>2 A. Yes.</p> <p>3 Q. Right? You spoke to all of</p> <p>4 them?</p> <p>5 A. Yes.</p> <p>6 Q. Did they provide you any</p> <p>7 written statements?</p> <p>8 A. They did, yes.</p> <p>9 Q. And the written statements that</p> <p>10 they provided, were -- did you take them up</p> <p>11 while you were there on the boat?</p> <p>12 A. No. I informed them that we</p> <p>13 needed to get statements from everybody</p> <p>14 explaining to their knowledge what happened</p> <p>15 and that they were need -- they needed to</p> <p>16 send them to myself and Brian.</p> <p>17 Q. Okay. Had you received any</p> <p>18 written statements from the boat before you</p> <p>19 went aboard the vessel and interviewed the</p> <p>20 crew members?</p> <p>21 A. No.</p> <p>22 Q. Did they prepare written</p> <p>23 statements for you while you were on the</p> <p>24 boat?</p> <p>25 A. No.</p>

LEONARD BALDASSARE

April 29, 2025

Page 74	Page 76
<p>1 Q. So when did you receive written</p> <p>2 statements from any member of the crew?</p> <p>3 MR. RODGERS: Objection to</p> <p>4 form. You can answer.</p> <p>5 A. I don't recall exactly when</p> <p>6 they sent everything to me, but I had</p> <p>7 requested it, you know, when I was on the</p> <p>8 boat on that day.</p> <p>9 Q. So did you talk to the crew</p> <p>10 members before you called the Coast Guard</p> <p>11 on June 17th?</p> <p>12 A. No, it was after.</p> <p>13 Q. And did you talk to the crew</p> <p>14 members the same day you talked to the</p> <p>15 Coast Guard?</p> <p>16 A. I believe it was that Monday,</p> <p>17 yes.</p> <p>18 Q. But it would've been after</p> <p>19 talking to Lieutenant Palumbo --</p> <p>20 A. Yes.</p> <p>21 Q. -- that you interviewed the</p> <p>22 crew members?</p> <p>23 A. Yes.</p> <p>24 Q. When you went down to the</p> <p>25 vessel, did you inspect it to see whether</p>	<p>1 board the vessel?</p> <p>2 A. It was our yard in Staten</p> <p>3 Island where our office is.</p> <p>4 Q. And the job site where the</p> <p>5 barge had been delivered was how far away?</p> <p>6 A. I'm not sure. It was a few</p> <p>7 miles. It wasn't like right there.</p> <p>8 Q. It was over New Jersey?</p> <p>9 A. Yes.</p> <p>10 Q. Did you make any effort to</p> <p>11 inspect the barge?</p> <p>12 A. No. It was not my privy to do</p> <p>13 the inspection on the barge, that was going</p> <p>14 to be handled by other parties.</p> <p>15 Q. So did the Coast Guard -- well,</p> <p>16 let me back up.</p> <p>17 You got written statements from</p> <p>18 the crew, did they prepare them themselves?</p> <p>19 A. Yes.</p> <p>20 Q. They did?</p> <p>21 A. Yes.</p> <p>22 Q. And when you received the</p> <p>23 written statements, were they typed up on</p> <p>24 company letter head or were they</p> <p>25 handwritten, or what?</p>
Page 75	Page 77
<p>1 there was any damage to it?</p> <p>2 A. Yes. Myself and Engineer</p> <p>3 McGrath walked down the engine room, up</p> <p>4 into the forward hold just to make sure</p> <p>5 that there was no damage, and we did not</p> <p>6 see any damage on the vessel.</p> <p>7 Q. That's the tugboat?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Right. Did you inspect the</p> <p>10 barge at all?</p> <p>11 A. I did not inspect the barge,</p> <p>12 no.</p> <p>13 Q. When you boarded the vessel,</p> <p>14 was the barge still made up to it?</p> <p>15 A. No.</p> <p>16 Q. Had the barge already been</p> <p>17 delivered to the job site?</p> <p>18 A. Yes.</p> <p>19 Q. So the Tug Mackenzie Rose</p> <p>20 arrived at the dock where you boarded it in</p> <p>21 what they call "a light boat condition?"</p> <p>22 A. Yes, sir.</p> <p>23 Q. Didn't have any barge, right?</p> <p>24 A. No barge, just the tug.</p> <p>25 Q. And what dock did you go to to</p>	<p>1 A. No, they were handwritten.</p> <p>2 Q. Who gave them to you?</p> <p>3 A. I think Captain Miller gave</p> <p>4 them to me, if I remember correctly.</p> <p>5 Q. Did he give you the original</p> <p>6 handwritten statements?</p> <p>7 A. I don't recall. I think he did</p> <p>8 hand them to me, but I don't recall.</p> <p>9 Q. Is it possible that they were</p> <p>10 scanned and e-mail to you?</p> <p>11 A. Possibly.</p> <p>12</p> <p>13 MR. RODGERS: Don't guess.</p> <p>14 A. Possibly.</p> <p>15 Q. Does the Tug Mackenzie Rose</p> <p>16 have the capability of scanning a document?</p> <p>17 A. Yes.</p> <p>18 Q. Were the statements that you</p> <p>19 received from the crew, they would've been,</p> <p>20 I guess, one written statement for each</p> <p>21 member of the crew, right?</p> <p>22 A. Yes.</p> <p>23 Q. Did you ever receive any type</p> <p>24 of typed-up statement from members of the</p> <p>25</p>

LEONARD BALDASSARE

April 29, 2025

Page 78	Page 80
<p>1 crew?</p> <p>2 A. No.</p> <p>3 Q. Did you ever speak with any</p> <p>4 member of the crew about the allision with</p> <p>5 the bridge after that initial meeting that</p> <p>6 you had to interview them?</p> <p>7 A. No. Like I said, I went out a</p> <p>8 few days later on paternity leave, so it</p> <p>9 was just that one instance.</p> <p>10 Q. When you went aboard the vessel</p> <p>11 to interview them, where did the interviews</p> <p>12 take place?</p> <p>13 A. I interviewed Captain Miller</p> <p>14 and Morrissey in the wheel house, and the</p> <p>15 rest of the crew in the galley.</p> <p>16 Q. And when you interviewed them,</p> <p>17 were both Miller and Morrissey with you in</p> <p>18 the wheelhouse when you talked to them?</p> <p>19 A. No, I separated them.</p> <p>20 Q. All right. Same question about</p> <p>21 the other crew members, were they all</p> <p>22 together in the gallery when you talked to</p> <p>23 them?</p> <p>24 A. I spoke to both deckhands</p> <p>25 together in the galley, and I spoke to the</p>	<p>1 A. No, I did not.</p> <p>2 Q. Was there a written report of</p> <p>3 your investigation prepared?</p> <p>4 A. Did I -- me, personally?</p> <p>5 Q. Yes.</p> <p>6 A. No.</p> <p>7 Q. You mentioned filing out a</p> <p>8 2692. Do you consider that a written</p> <p>9 report?</p> <p>10 MR. RODGERS: Objection to</p> <p>11 form. You can answer his question if</p> <p>12 you understand it.</p> <p>13 A. Yes.</p> <p>14 Q. Okay. So there's at least a</p> <p>15 2692 that you filled out as a result of</p> <p>16 your investigation, right?</p> <p>17 A. Yes.</p> <p>18 Q. And you -- your memory is that</p> <p>19 you sent that 2692 to Mr. Moore and then he</p> <p>20 sent it to the Coast Guard?</p> <p>21 A. Yes.</p> <p>22 Q. Right. Not you, correct?</p> <p>23 A. No, I did not. He did.</p> <p>24 Q. All right. Was there any</p> <p>25 report that was filled out or completed in</p>
<p>1 engineer alone in the galley.</p> <p>2 Q. Is there anything that would</p> <p>3 help you nail down the actual date and time</p> <p>4 if possible when you conducted these</p> <p>5 interviews aboard the vessel?</p> <p>6 A. No.</p> <p>7 Q. You just believe that it was</p> <p>8 sometime later the day that you initially</p> <p>9 contacted the Coast Guard, correct?</p> <p>10 A. Yes.</p> <p>11 Q. How soon after those interviews</p> <p>12 did you receive the written statements that</p> <p>13 you described?</p> <p>14 A. Like I said before, I don't</p> <p>15 really remember. I think it might have</p> <p>16 been the next day, but I'm not 100 percent</p> <p>17 sure.</p> <p>18 Q. At any time before you went out</p> <p>19 on paternity leave, did you talk to Nick</p> <p>20 Laraway about the allision?</p> <p>21 A. No.</p> <p>22 Q. Did you talk to anyone</p> <p>23 internally at Carver about the allision</p> <p>24 besides Mr. Moore, or the five members of</p> <p>25 the crew of the Tug Mackenzie Rose?</p>	<p>1 the Helm system about this incident about</p> <p>2 the allision?</p> <p>3 A. I did not personally fill</p> <p>4 anything out, no.</p> <p>5 Q. Would you expect there to be a</p> <p>6 form that gets filled out about an incident</p> <p>7 like this in the Helm system?</p> <p>8 A. I'm not really sure.</p> <p>9 Q. Have you seen reports from the</p> <p>10 Helm system about the incidents involving</p> <p>11 vessels?</p> <p>12 A. Not in my time at Carver, no.</p> <p>13 Q. You have access to the Helm</p> <p>14 system?</p> <p>15 A. Yes.</p> <p>16 Q. So you've got login credentials</p> <p>17 as Mr. Baldassare -- Leonard Baldassare,</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. Is there anything you can't</p> <p>21 view in the Helm system?</p> <p>22 MR. RODGERS: Meaning</p> <p>23 Mr. Baldassare?</p> <p>24 MR. CHAPMAN: Yeah.</p> <p>25 A. I'm sure there are. There's</p>

LEONARD BALDASSARE

April 29, 2025

Page 82	Page 84
<p>1 different like categories based on</p> <p>2 department. So like I don't know if I was</p> <p>3 able to access like all the engineering</p> <p>4 stuff because I technically wouldn't really</p> <p>5 need it, but I'm sure there are, yes.</p> <p>6 Q. Okay. Let me pass over to you</p> <p>7 what's been marked as Exhibit 1 for these</p> <p>8 depositions. That's just a print of a</p> <p>9 photograph that was provided to us in the</p> <p>10 discovery process. I realize it's a little</p> <p>11 grainy.</p> <p>12 (Whereupon, Exhibit 1 was</p> <p>13 marked for identification.)</p> <p>14 Have you seen that before?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And the image that</p> <p>17 you've seen before wasn't as grainy?</p> <p>18 A. It was not, no.</p> <p>19 Q. Okay. You could see it clearly</p> <p>20 on your phone, I take it?</p> <p>21 A. Yes.</p> <p>22 Q. And tell us what that is then?</p> <p>23 A. This is the bridge, and this is</p> <p>24 the fendering inside of the bridge.</p> <p>25 Q. Can you tell what vantage point</p>	<p>1 A. I've never seen this bridge in</p> <p>2 person, so I really can't answer what it is</p> <p>3 or isn't supposed to look like.</p> <p>4 Q. Okay. And you can put that on</p> <p>5 the side or -- yeah, we'll just put it</p> <p>6 right here.</p> <p>7 A. Sure.</p> <p>8 Q. So let me pass you what's been</p> <p>9 marked as Exhibit 2.</p> <p>10 (Whereupon, Exhibit 2 was</p> <p>11 marked for identification.)</p> <p>12 A. Sure.</p> <p>13 Q. So four more photos.</p> <p>14 Are those the copies of the</p> <p>15 photos of the barge that you received by</p> <p>16 text?</p> <p>17 A. Yes, they are.</p> <p>18 Q. Okay. Again, they're a little</p> <p>19 grainy, but I assume that whatever you were</p> <p>20 able to see on your phone was clearer than</p> <p>21 this?</p> <p>22 A. Yes, it was.</p> <p>23 Q. And what were</p> <p>24 you -- what -- did you ask them to provide</p> <p>25 pictures of the barge?</p>
Page 83	Page 85
<p>1 that photograph was taken from?</p> <p>2 A. I'm not sure. I don't know.</p> <p>3 Q. And -- but this was one of the</p> <p>4 photos that was sent to you on June 15th?</p> <p>5 A. Yes.</p> <p>6 Q. From the tug?</p> <p>7 A. Yes.</p> <p>8 Q. All right. Do you see any</p> <p>9 damage to the bridge in that photo?</p> <p>10 A. I do not, no.</p> <p>11 Q. Can you hand that to me just</p> <p>12 for one second?</p> <p>13 A. Sure. There you go.</p> <p>14 Q. Actually, you can keep it in</p> <p>15 front of you.</p> <p>16 A. Are you sure?</p> <p>17 Q. Yeah. Once we get a good image</p> <p>18 of this, I may need to ask you some more</p> <p>19 questions in the future. But what I want</p> <p>20 to know now is looking at this at the very</p> <p>21 top of the photograph, does it appear that</p> <p>22 the bridge is offset from the pier to you?</p> <p>23 MR. RODGERS: Objection.</p> <p>24 MR. CHAPMAN: I'm just asking</p> <p>25 what he sees.</p>	<p>1 A. I did, yes.</p> <p>2 Q. All right. And were these</p> <p>3 pictures sufficient to satisfy you that</p> <p>4 there was no damage to the barge?</p> <p>5 A. Yes, there were.</p> <p>6 Q. Did you tell them specifically</p> <p>7 what areas of the barge to take picture of?</p> <p>8 A. No.</p> <p>9 Q. These photos all appear to</p> <p>10 depict the forward end, the raked end of</p> <p>11 the barge --</p> <p>12 A. Yes.</p> <p>13 Q. -- in some fashion, correct?</p> <p>14 A. Yes, sir.</p> <p>15 Q. There's no photos of the stern</p> <p>16 of the barge?</p> <p>17 A. No, there are not.</p> <p>18 Q. And there's one photo where you</p> <p>19 can sort of see the port side of the barge?</p> <p>20 A. This last one?</p> <p>21 Q. Yeah, Number 248 in the</p> <p>22 exhibit.</p> <p>23 A. Yeah, I got it.</p> <p>24 Q. But there's nothing of the</p> <p>25 starboard side?</p>

LEONARD BALDASSARE

April 29, 2025

Page 86	Page 88
<p>1 A. No.</p> <p>2 Q. Okay. And it looks like this</p> <p>3 barge is equipped with a rub system</p> <p>4 consisting of tires hanging over the side,</p> <p>5 right?</p> <p>6 A. Yes.</p> <p>7 Q. Did Captain Miller or any</p> <p>8 member of the crew indicate which side of</p> <p>9 the barge contacted the fender system when</p> <p>10 you interviewed them?</p> <p>11 A. They did not.</p> <p>12 Q. Did they say whether -- was</p> <p>13 there any information provided to you by</p> <p>14 the crew as to which side of the bridge</p> <p>15 they contacted?</p> <p>16 A. No, not specifically. I would</p> <p>17 assume that it was this --</p> <p>18</p> <p>19</p> <p>20 MR. RODGERS: Don't guess.</p> <p>21 Tell him what you no.</p> <p>22 A. No, they did not. They did</p> <p>23 not.</p> <p>24 Q. Okay.</p> <p>25 A. They sent me this photo.</p>	<p>1 Q. You're looking for 56.</p> <p>2 A. 56?</p> <p>3 Q. Yeah.</p> <p>4 A. Got it.</p> <p>5 Q. Got it. Okay. So at the</p> <p>6 bottom of the page -- so we know that the</p> <p>7 accident was on June 15th --</p> <p>8 A. Yes.</p> <p>9 Q. 2024. This appears to be the</p> <p>10 daily log for that, right?</p> <p>11 A. Mm-hmm.</p> <p>12 Q. Would've been completed by the</p> <p>13 master or the mate, or both of them, right?</p> <p>14 A. Yes.</p> <p>15 Q. So at 16:30, it says there's an</p> <p>16 incident. It says, "Mate James Morrissey</p> <p>17 reports the autopilot was not completely</p> <p>18 turned off. He was able to correct and</p> <p>19 switch back over to hand steering and begin</p> <p>20 backing on the weeks 281 barge and</p> <p>21 maneuvering the barge alongside fendering</p> <p>22 on the northend P-B-L-R-R Bridge, photo</p> <p>23 taken, proceed slowly away from bridge."</p> <p>24 I read that correctly?</p> <p>25 A. Yes.</p>
Page 87	Page 89
<p>1 Q. That's Exhibit 1?</p> <p>2 A. Correct.</p> <p>3 Q. All right. But you don't know</p> <p>4 whether that's in east side, west side,</p> <p>5 north side or south side, right?</p> <p>6 A. I do not know. I just know</p> <p>7 from what the photo --</p> <p>8 Q. Okay.</p> <p>9 A. -- that they sent me.</p> <p>10 Q. Okay. Let me pass you Exhibit</p> <p>11 6, which was produced to us in discovery.</p> <p>12 Does that appear to be a</p> <p>13 collection of daily logs from the Mackenzie</p> <p>14 Rose beginning June 12th, 2024?</p> <p>15 (Whereupon, Exhibit 6 was</p> <p>16 marked for identification.)</p> <p>17 A. Yes.</p> <p>18 Q. And this is printed out from</p> <p>19 the Helm system, correct?</p> <p>20 A. Yes.</p> <p>21 Q. Right. So if you turn to the</p> <p>22 June 15th, '24, daily log, these -- it has</p> <p>23 numbers at the bottom of the page, it says,</p> <p>24 "Carver phone number?"</p> <p>25 A. Yeah.</p>	<p>1 Q. So in any of your conversations</p> <p>2 with Captain Miller or the interviews of</p> <p>3 the crew on the -- whatever day it was, was</p> <p>4 there any mention of the autopilot somehow</p> <p>5 being involved in this casualty?</p> <p>6 A. No, there was not.</p> <p>7 Q. Nobody said that?</p> <p>8 A. Nobody said that to me.</p> <p>9 Q. Did you ever ask --</p> <p>10 A. I did not.</p> <p>11 Q. -- whether they were on</p> <p>12 autopilot or not?</p> <p>13 A. No.</p> <p>14 Q. In making bridge transits,</p> <p>15 would you expect them to not to be in</p> <p>16 autopilot?</p> <p>17 MR. RODGERS: Objection to</p> <p>18 form. You can answer.</p> <p>19 A. Say that again, I'm sorry.</p> <p>20 Q. I'm just --</p> <p>21 MR. RODGERS: He's not here as</p> <p>22 an expert, but he can answer as to</p> <p>23 his knowledge.</p> <p>24 A. No. There would be no reason</p> <p>25 for them to be in autopilot when</p>

LEONARD BALDASSARE

April 29, 2025

Page 90	Page 92
<p>1 approaching the bridge.</p> <p>2 Q. You would expect them not to be</p> <p>3 on autopilot?</p> <p>4 A. Correct, they should be</p> <p>5 hand-steering.</p> <p>6 Q. Okay. We can put that back in</p> <p>7 the pile here, sir.</p> <p>8 MR. RODGERS: Do you need water</p> <p>9 or coffee?</p> <p>10 THE WITNESS: No, I'm okay.</p> <p>11 MR. RODGERS: You're okay?</p> <p>12 THE WITNESS: Yeah.</p> <p>13 MR. CHAPMAN: Are we okay time</p> <p>14 wise?</p> <p>15 THE REPORTER: Five minutes.</p> <p>16 MR. CHAPMAN: We got five</p> <p>17 minutes? Why don't we just go ahead</p> <p>18 and take a break. I'll regroup and</p> <p>19 try to --</p> <p>20 MR. RODGERS: Sure.</p> <p>21 MR. CHAPMAN: Okay.</p> <p>22 THE REPORTER: Yes?</p> <p>23 MR. RODGERS: Yeah, we're</p> <p>24 ready. We don't need to regroup.</p> <p>25 Let's go off the record.</p>	<p>1 THE VIDEOGRAPHER: Let me</p> <p>2 apologize. Counsel, please, your</p> <p>3 microphone.</p> <p>4 MR. CHAPMAN: Did you hear that</p> <p>5 okay or not? Is it on the record?</p> <p>6 THE VIDEOGRAPHER: Yes, but I</p> <p>7 hear the noise.</p> <p>8 MR. CHAPMAN. Apologies.</p> <p>9 Q. So the first one is signed to</p> <p>10 Captain Chris Miller, Number 9. Is that</p> <p>11 the written statement that you received</p> <p>12 from Captain Miller?</p> <p>13 A. Yes.</p> <p>14 Q. All right. And then moving on</p> <p>15 to 11, that first page. Is that the</p> <p>16 written statement you received from</p> <p>17 deckhand Jacques Bass Morrissey?</p> <p>18 A. Yes.</p> <p>19 Q. And then the next one, Exhibit</p> <p>20 13, the first page, is that the witness</p> <p>21 statement you received from Engineer Jason</p> <p>22 McGrath?</p> <p>23 A. Yes.</p> <p>24 Q. And then Exhibit 15, the first</p> <p>25 page is that the written --</p>
Page 91	Page 93
<p>1 THE VIDEOGRAPHER: We are going</p> <p>2 off the record, the time is 11:44</p> <p>3 a.m.</p> <p>4 Off the record.</p> <p>5 (Whereupon, a short recess was</p> <p>6 taken.)</p> <p>7 THE VIDEOGRAPHER: Beginning</p> <p>8 Media Number 2.</p> <p>9 We are back on the record, the</p> <p>10 time is 12:02 p.m.</p> <p>11 Q. All right. I tried to get a</p> <p>12 little organized here.</p> <p>13 A. Sure.</p> <p>14 Q. I'm going to give you five</p> <p>15 exhibits that I believe are the written</p> <p>16 statements you talked about.</p> <p>17 A. Okay.</p> <p>18 Q. And they're stapled together</p> <p>19 with some typed-up versions of the</p> <p>20 statements as well. But I want you to just</p> <p>21 focus on Page 1 of each of these</p> <p>22 exhibits --</p> <p>23 A. Yes, sir.</p> <p>24 Q. -- to confirm this for me.</p> <p>25 But it is Exhibits 9, 11, 13, 15, and 17.</p>	<p>1 A. Wait, this says Exhibit 17.</p> <p>2 Q. I'm sorry, it should -- didn't</p> <p>3 I have 15 now?</p> <p>4 A. Oh, yeah. I only have four.</p> <p>5 You said --</p> <p>6 Q. -- might be one. You got 15?</p> <p>7 A. Sorry. Yes, I got 15.</p> <p>8 Q. Okay, good.</p> <p>9 A. Sorry about that.</p> <p>10 Q. So 15, the first page, is that</p> <p>11 the statement you received from deckhand</p> <p>12 Sharif Porter?</p> <p>13 A. Yes.</p> <p>14 Q. All right. And then the last</p> <p>15 one, which is Exhibit 17. It's not signed,</p> <p>16 but is that the witness statement that you</p> <p>17 received from Captain Morrissey?</p> <p>18 A. I'm not sure if this is</p> <p>19 handwriting, but it could be his, yeah.</p> <p>20 MR. RODGERS: Jim, when</p> <p>21 you -- you're talking about the first</p> <p>22 page --</p> <p>23 MR. CHAPMAN: Just the first</p> <p>24 page.</p> <p>25 MR. RODGERS: -- of the</p>

LEONARD BALDASSARE

April 29, 2025

Page 94	Page 96
<p>1 exhibit, right.</p> <p>2 MR. CHAPMAN: Yeah.</p> <p>3 MR. RODGERS: Okay.</p> <p>4 MR. CHAPMAN: Yeah.</p> <p>5 Q. Yes. So just -- it says,</p> <p>6 "Outbound Norfolk Southern branch with</p> <p>7 weeks 281." That's the barge that the</p> <p>8 Mackenzie Rose was pushing at the time,</p> <p>9 right?</p> <p>10 A. Correct, yes.</p> <p>11 Q. Okay. And it talks about</p> <p>12 touching on the bridge, no damage to barge,</p> <p>13 and no visible damage to bridge.</p> <p>14 A. Mm-hmm.</p> <p>15 Q. So if we have accounted for the</p> <p>16 other four statements that do have names on</p> <p>17 them, does this -- does that in any way</p> <p>18 refresh your recollection that this is the</p> <p>19 one you received from Captain Morrissey?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And just to be clear,</p> <p>22 the written statements are -- the first</p> <p>23 page of each of the exhibits are the only</p> <p>24 statements that you received during the</p> <p>25 course of your investigation?</p>	<p>1 of Exhibit 9, which is numbered Carver</p> <p>2 000049, looks like it's on some kind of</p> <p>3 Carver Marine Towing letterhead?</p> <p>4 (Whereupon, Exhibit 9 was</p> <p>5 marked for identification.)</p> <p>6 A. Yes.</p> <p>7 Q. Right. Did you ever receive</p> <p>8 this as part of your investigation?</p> <p>9 A. No, I did not.</p> <p>10 Q. Okay. And before you went out</p> <p>11 on paternity leave, had this ever showed up</p> <p>12 to your knowledge?</p> <p>13 A. No. Not to my knowledge, no.</p> <p>14 Q. Okay. Do you have any</p> <p>15 understanding of who may have requested or</p> <p>16 solicited either of these two typed</p> <p>17 statements from Captain Miller?</p> <p>18 A. I do not know who would have.</p> <p>19 Q. All right. So all of these</p> <p>20 other statements are similarly</p> <p>21 done -- these exhibits are similarly done.</p> <p>22 If you look at them you'll see the</p> <p>23 deckhands, the engineer?</p> <p>24 A. Yes.</p> <p>25 Q. They all --</p>
Page 95	Page 97
<p>1 A. Yes.</p> <p>2 Q. Right? Okay. So I do want to</p> <p>3 ask you a question or two about some of the</p> <p>4 other documents that are attached within</p> <p>5 these exhibits.</p> <p>6 A. Okay.</p> <p>7 Q. So if we start with Number 9,</p> <p>8 the one from Captain Miller?</p> <p>9 A. Mm-hmm.</p> <p>10 Q. There's a -- I'll call it a</p> <p>11 typed-up version of his statement, right?</p> <p>12 A. Yes.</p> <p>13 Q. During the course of your</p> <p>14 investigation, did you ever see this</p> <p>15 statement?</p> <p>16 A. No.</p> <p>17 Q. Did -- you didn't request it</p> <p>18 then--</p> <p>19 A. No.</p> <p>20 Q. -- from Captain Miller?</p> <p>21 Do you know if anybody else</p> <p>22 requested a typed-up version of this</p> <p>23 statement?</p> <p>24 A. I don't know.</p> <p>25 Q. Okay. And then the third page</p>	<p>1 A. The same format.</p> <p>2 Q. There's a typed-up version and</p> <p>3 then there's a -- something on the company</p> <p>4 type letterhead?</p> <p>5 A. Right.</p> <p>6 Q. Okay. And you've never seen</p> <p>7 those at any point during your</p> <p>8 investigation?</p> <p>9 A. No, I have not.</p> <p>10 Q. And the one for Captain</p> <p>11 Morrissey does not have that, kind of, last</p> <p>12 page with the letterhead typed-up</p> <p>13 statement?</p> <p>14 A. Right.</p> <p>15 Q. Right. Okay. But the other</p> <p>16 four do?</p> <p>17 A. Correct.</p> <p>18 Q. Yep. At any time before you</p> <p>19 left Carver, did you ever see those</p> <p>20 typed-up versions of any of these</p> <p>21 statements?</p> <p>22 A. No, I have not.</p> <p>23 Q. Anybody ever tell you or lead</p> <p>24 you to believe that there were type-up</p> <p>25 versions of those statements?</p>

LEONARD BALDASSARE

April 29, 2025

Page 98		Page 100	
1	A. No.	1	A. Right.
2	Q. Before today, have you see	2	Q. -- and sent it out. And it's
3	them?	3	signed by Mr. Moore, correct?
4	MR. RODGERS: Other than with	4	A. Correct.
5	his attorney?	5	Q. Not you. Did you ever sign
6	MR. CHAPMAN: Yeah.	6	it --
7	A. Just with my attorney.	7	MR. RODGERS: I'm sorry. Do
8	Q. Okay. And that's been recent?	8	you mean the electronic signature, or
9	A. Yes.	9	is it --
10	Q. Okay. Any explanation to your	10	MR. CHAPMAN: Yeah. It's got a
11	knowledge, you know, within your knowledge	11	digital signature on there.
12	as to why there are typed-up versions in	12	Q. You see the digital signature?
13	addition to the handwritten ones?	13	A. Yes.
14	A. No.	14	Q. And what's -- might as well
15	Q. And just looking at the	15	read it. What's the date and time?
16	handwritten ones in each of these five	16	A. For the digital?
17	exhibits, does that refresh your	17	Q. Yes.
18	recollection whether you were given like	18	A. June 26, 2024, 08:48.
19	the original version -- the original, you	19	Q. Okay. Do you recall ever
20	know, written out version versus them being	20	signing a 2692 that was submitted to the
21	e-mailed to you, or photocopied and	21	Coast Guard in connection with this
22	delivered to you?	22	investigation?
23	A. They might have been like	23	A. No. I was out on paternity
24	handed to me.	24	leave when this was submitted.
25	Q. Okay. And then it looks like	25	Q. Yeah. But my question is,
Page 99		Page 101	
1	on some of sort of small notepad.	1	before you went out on paternity leave, did
2	A. Yes.	2	you ever sign a 2692 that was submitted to
3	Q. Do you remember the color of	3	the Coast Guard?
4	the paper?	4	A. I filled out the 2692 that we
5	A. I do not.	5	discussed earlier that I sent to Brian,
6	Q. Okay. Do you know or recall	6	that he was going to be reviewing and
7	whether these statements -- the handwritten	7	sending to the Coast Guard.
8	statements, had already been prepared	8	Q. So the original 2692 that you
9	before you interviewed the crew?	9	sent to Mr. Moore, what did it say it
10	A. The -- when they got back to	10	happened to the bridge?
11	New York harbor?	11	A. Exactly what the vessel told me
12	Q. Yes.	12	when they called me on Saturday that they
13	A. No. This wasn't -- these	13	had gotten out of shape coming through,
14	weren't -- no. This was after I had	14	that they landed on the fendering inside of
15	already spoken to everyone.	15	the bridge, slid along the fendering and
16	Q. Let me pass to you Exhibit 19,	16	that there was no visible damage.
17	Captain -- or Mr. Baldassare, which I	17	Q. And do you know whether
18	believe is the compilation of the 2692	18	Mr. Moore ever submitted that to the Coast
19	filled with the United States Coast Guard?	19	Guard?
20	A. Yes.	20	A. I do not know.
21	Q. If you look at the first page	21	Q. If you look on Page 1, and
22	there -- excuse me -- the second page, the	22	Block 10 of this exhibit?
23	bottom of the second page, it has a	23	A. You said Block 10?
24	signature on it as to who completed it or	24	Q. Block 10.
25	signed it --	25	A. Yep.

LEONARD BALDASSARE

April 29, 2025

Page 102	Page 104
<p>1 Q. It says, "The above vessel was 2 involved in a marine casualty consisting 3 in -- " and there's a bunch of things you 4 could check off.</p> <p>5 A. Yep.</p> <p>6 Q. The first one is checked, 7 right?</p> <p>8 A. Yes, sir.</p> <p>9 Q. "Unintended grounding or an 10 unintended strike of (allision with) a 11 bridge," right?</p> <p>12 A. Yes.</p> <p>13 Q. The draft or form that you 14 filled out and sent to Mr. Moore, was that 15 box checked?</p> <p>16 A. I don't recall.</p> <p>17 Q. And if you look down in Block 18 20, titled -- under Section 4, casualty 19 information?</p> <p>20 A. Got it.</p> <p>21 Q. It says, "Describe the extent 22 of property damage."</p> <p>23 A. Mm-hmm.</p> <p>24 Q. And it says, "Northend TBL 25 Railroad Bridge was offset from its</p>	<p>1 port and made -- and before the officer, 2 they -- " excuse me. "Before the OOW was 3 able to correct it after switching to non 4 follow up, the bow of the barge made 5 contact with the Western section of the 6 bridge." The draft that you sent to 7 Mr. Moore, did it include that statement?</p> <p>8 A. No. Because that's not the 9 information that I was given.</p> <p>10 Q. Okay. What do you recall it 11 saying?</p> <p>12 A. Exactly what I said before. As 13 they were coming through the bridge, they 14 got out of shape, landed on the fendering, 15 and slid through the bridge, and that there 16 was no physical damage to the bridge, 17 vessel or barge.</p> <p>18 Q. So during the course of your 19 investigation before you went on paternity 20 leave, did you ever learn that this is in 21 fact what happened as described in Block 22 25A of this exhibit?</p> <p>23 A. No.</p> <p>24 Q. Never learned that?</p> <p>25 A. No.</p>
Page 103	Page 105
<p>1 foundation."</p> <p>2 Did it say that in the draft 3 that you sent to Mr. Moore?</p> <p>4 A. No.</p> <p>5 Q. What did it say?</p> <p>6 A. I don't recall, but it didn't 7 say that.</p> <p>8 Q. Okay. If you turn to the next 9 page of Exhibit 19, which is Carver 10 0000112, it's like the next page of the 11 2692.</p> <p>12 A. Yep.</p> <p>13 Q. Under Block 25 --</p> <p>14 A. Yep.</p> <p>15 Q. -- A, under, "Activity or 16 operation being conducted at the time of 17 the casualty," it describes -- I mean, I'll 18 just read it. "The towing vessel Mackenzie 19 Rose was pushing the deck barge weeks 281 20 ahead and push gear. They were outbound at 21 the Norfolk Southern branch for sea. The 22 officer on watch, James Morrissey, was in 23 autopilot and didn't switch over to non 24 follow up hand steering, but thought he 25 did. The vessel continued to track the</p>	<p>1 Q. When was the first time you 2 learned that this is the report that was 3 submitted to the Coast Guard?</p> <p>4</p> <p>5</p> <p>6 MR. RODGERS: Other than with 7 me.</p> <p>8 Q. Well --</p> <p>9 A. Just this morning with 10 Jim -- with Mr. Rodgers.</p> <p>11 MR. RODGERS: You don't 12 want -- need to tell him what we 13 discussed.</p> <p>14 Q. That -- so prior to you meeting 15 with the attorney for Carver today, you did 16 not know that this was the report that was 17 submitted to the Coast Guard in connection 18 with allision with the bridge?</p> <p>19 A. Correct, I did not know.</p> <p>20 Q. Okay. So if you go to the next 21 page.</p> <p>22 A. Yep.</p> <p>23 Q. There's some instructions about 24 completing the form in about the middle of 25 the page. You'll see Number 6?</p>

LEONARD BALDASSARE

April 29, 2025

Page 106	Page 108
<p>1 A. Yep.</p> <p>2 Q. "Once completed, deliver e-mail</p> <p>3 or fax this form within five days of the</p> <p>4 casualty to the Coast Guard sector Marine</p> <p>5 safety unit, or activity nearest the</p> <p>6 location of the casualty, or if at sea,</p> <p>7 nearest the arrival port." Then</p> <p>8 there's -- looks like there's a -- some</p> <p>9 portal in the cloud that you could log</p> <p>10 into.</p> <p>11 A. Yep.</p> <p>12 Q. This form is not signed by</p> <p>13 Mr. Moore until digitally on June 26th,</p> <p>14 2024?</p> <p>15 A. Correct.</p> <p>16 Q. So that's like 11 days post</p> <p>17 casualty, right?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Do you know if any form</p> <p>20 2692 was submitted to the Coast Guard</p> <p>21 within the five-day requirement?</p> <p>22 A. I do not know.</p> <p>23 Q. So if you turn to the next</p> <p>24 page. This is Carver 0000114, and it's the</p> <p>25 form 2692B regarding mandatory drug</p>	<p>1 Leaving aside whether that's a</p> <p>2 correct interpretation or regulation, okay,</p> <p>3 I'm not really worried about that, did you</p> <p>4 draft that?</p> <p>5 A. I believe so, yes.</p> <p>6 Q. Okay. And I ask because it</p> <p>7 appears to be signed by you digitally,</p> <p>8 right?</p> <p>9 A. Yes.</p> <p>10 Q. Now, would a 2692B be submitted</p> <p>11 without the 2692 form --</p> <p>12 A. No.</p> <p>13 Q. -- or would they go hand and</p> <p>14 hand?</p> <p>15 A. They all get submitted</p> <p>16 together.</p> <p>17 Q. Okay. So your digital</p> <p>18 signature on here is dated June 19th, 2024?</p> <p>19 A. Yes.</p> <p>20 Q. Right? So does that in any way</p> <p>21 refresh your recollection that you signed a</p> <p>22 2692 form that was submitted on June 19th,</p> <p>23 2024 to the Coast Guard?</p> <p>24 A. No.</p> <p>25 Q. And you --</p>
<p>1 testing?</p> <p>2 A. Yep.</p> <p>3 Q. Right. Generally, any time</p> <p>4 there is a marine casualty, marine incident</p> <p>5 like this, the crew is supposed to be</p> <p>6 tested for drugs and alcohol, right?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And there's a -- the</p> <p>9 Coast Guard's laid out pretty narrow time</p> <p>10 limits for getting that done, right?</p> <p>11 A. Yes.</p> <p>12 Q. So this report is basically</p> <p>13 saying that there was no drug testing,</p> <p>14 there was no alcohol testing,</p> <p>15 post-incident, right?</p> <p>16 A. Correct.</p> <p>17 MR. RODGERS: Just for the</p> <p>18 record, it says within 32 hours.</p> <p>19 Q. So in Block 7, it says, "In the</p> <p>20 incident in question from June 15th, 2024,</p> <p>21 there was no evidence of loss of</p> <p>22 propulsion, loss of steering or damage to</p> <p>23 the vessel and its barge, and a drug and</p> <p>24 alcohol test would only be administered if</p> <p>25 the above incidents occurred."</p>	<p>1 A. I filled out the 2692 on the</p> <p>2 17th and sent it to Brian for review --</p> <p>3 Q. Okay.</p> <p>4 A. -- and submission.</p> <p>5 Q. All right. But it appears that</p> <p>6 you filed this 2692B out on the 19th,</p> <p>7 right?</p> <p>8 A. Yes.</p> <p>9 Q. And who would've been</p> <p>10 responsible for then submitting it to the</p> <p>11 Coast Guard?</p> <p>12 A. Brian.</p> <p>13 Q. But you don't believe that you</p> <p>14 signed the 2692 form, correct?</p> <p>15 MR. RODGERS: Objection to</p> <p>16 form. I'm not sure he testified to</p> <p>17 that.</p> <p>18 A. I'm not really sure what you're</p> <p>19 asking me. Are you asking me about the</p> <p>20 first part of this?</p> <p>21 Q. Yeah.</p> <p>22 A. Yeah. This is -- I</p> <p>23 didn't -- this is all Brian, this not me.</p> <p>24 Q. Yeah. No. I get the 2692</p> <p>25 that's in this exhibit.</p>

LEONARD BALDASSARE

April 29, 2025

Page 110	Page 112
<p>1 A. Okay.</p> <p>2 Q. What I'm trying to find out is</p> <p>3 whether you have any memory of actually</p> <p>4 signing the 2692 form that was submitted to</p> <p>5 the Coast Guard that would've accompanied</p> <p>6 this 2692B form that's in Exhibit 19?</p> <p>7 A. Yes. I filled it out on the</p> <p>8 17th, sent it to Brian for his review and</p> <p>9 submission. What he did with it from</p> <p>10 there, I don't know.</p> <p>11 Q. So how was it that then you</p> <p>12 came to fill out the 2692B on June 19th?</p> <p>13 A. I don't know.</p> <p>14 Q. Did you send it after you</p> <p>15 signed it to Mr. Moore?</p> <p>16 A. On the 17th.</p> <p>17 Q. Well, we can agree that you</p> <p>18 didn't sign this on the 17th of June. That</p> <p>19 is the 2692B, right?</p> <p>20 A. Yeah.</p> <p>21 Q. Okay. Well, all I'm trying to</p> <p>22 find out is after you signed it, the 2692B,</p> <p>23 on June 19th, did you then send it to</p> <p>24 Mr. Moore?</p> <p>25 A. Yes.</p>	<p>1 that? I just -- how is it that you --</p> <p>2</p> <p>3</p> <p>4 MR. RODGERS: Objection to</p> <p>5 form.</p> <p>6 Q. How is it that you know that</p> <p>7 you didn't draft it?</p> <p>8 MR. RODGERS: You can answer</p> <p>9 that.</p> <p>10 Q. Yeah.</p> <p>11 MR. RODGERS: If you know.</p> <p>12 A. Because the information</p> <p>13 provided to me during the time when this</p> <p>14 was filled out, never was this statement</p> <p>15 told me to from anyone about the support</p> <p>16 structure issue.</p> <p>17 Q. You went out on paternity leave</p> <p>18 on the 26th --</p> <p>19 A. No.</p> <p>20 Q. -- of June?</p> <p>21 A. The 24th.</p> <p>22 Q. 24th of June?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. I'm sorry. We learned</p> <p>25 from Mr. Moore that somebody from the</p>
Page 111	Page 113
<p>1 Q. Okay. And you did not file the</p> <p>2 2692B with the Coast Guard?</p> <p>3 A. No.</p> <p>4 Q. Okay. The last part of this</p> <p>5 form in Exhibit 19 is the 2692A?</p> <p>6 A. Mm-hmm.</p> <p>7 Q. Which is a barge addendum for a</p> <p>8 report under 2692, and it is numbered</p> <p>9 Carver 00016. You see that?</p> <p>10 A. Yep.</p> <p>11 Q. It doesn't say who filled it</p> <p>12 out. There's no place on this form where</p> <p>13 you add a name of somebody completing this</p> <p>14 form. Do you recall whether you completed</p> <p>15 this form, the barge addendum?</p> <p>16 A. I do not recall.</p> <p>17 Q. It -- in Block 3K, or at least</p> <p>18 the description, the property damage next</p> <p>19 to it, it says, "Displacement of Belt Line</p> <p>20 bridge support structure." You see that?</p> <p>21 A. Yes.</p> <p>22 Q. Is that something you would've</p> <p>23 drafted?</p> <p>24 A. No.</p> <p>25 Q. And you are pretty certain of</p>	<p>1 National Transportation Safety Board and</p> <p>2 from Coast Guard interviewed crew members</p> <p>3 on the Mackenzie Rose on June 25th --</p> <p>4 MR. RODGERS: Objection to</p> <p>5 form.</p> <p>6 Q. -- of 2024. I know that was</p> <p>7 after you left on paternity leave. But did</p> <p>8 you have any assistance or role in setting</p> <p>9 up those interviews?</p> <p>10 A. No.</p> <p>11 Q. Do you know who handled that?</p> <p>12 A. I do not know.</p> <p>13</p> <p>14</p> <p>15 MR. RODGERS: This for me.</p> <p>16 THE WITNESS: I'm good. Thank</p> <p>17 you.</p> <p>18 Q. As part of your</p> <p>19 responsibilities as Port Captain when you</p> <p>20 were working for Carver, did you ever run</p> <p>21 reports, I'll say in the Helm system to</p> <p>22 look at specific things or to, kind of,</p> <p>23 figure out what was going on?</p> <p>24 A. No, not daily. If there was an</p> <p>25 incident or issue or something then, yeah,</p>

LEONARD BALDASSARE

April 29, 2025

Page 114	Page 116
<p>1 I would -- I could pull something up. But</p> <p>2 it wasn't part of my daily tasks to run</p> <p>3 reports.</p> <p>4 Q. Got you. Was it in any way in</p> <p>5 your responsibility to like, I don't know,</p> <p>6 review the daily logs that were submitted</p> <p>7 by the vessel or that sort of thing? Maybe</p> <p>8 weekly task, monthly task, anything like</p> <p>9 that?</p> <p>10 A. Only if there was an issue with</p> <p>11 something on the boat for billing purposes.</p> <p>12 Q. So it was all incident --</p> <p>13 A. Correct.</p> <p>14 Q. -- specific?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. Was there anybody at</p> <p>17 Carver Marine Towing when you were the Port</p> <p>18 Captain that had specific responsibility</p> <p>19 for training of new hires? A person like a</p> <p>20 training manager or training director, that</p> <p>21 sort of thing?</p> <p>22 A. No, not to my knowledge.</p> <p>23 MR. RODGERS: You're talking</p> <p>24 about the crew or generally?</p> <p>25 MR. CHAPMAN: Well, that's a</p>	<p>1 75 to 80 people.</p> <p>2 Q. Okay. And among the shore side</p> <p>3 folks, nobody was like the training manager</p> <p>4 or training director?</p> <p>5 A. No.</p> <p>6 Q. Among the -- I don't know what</p> <p>7 you call them, the crews, there wasn't</p> <p>8 anybody that like had the title of being</p> <p>9 training director?</p> <p>10 A. No.</p> <p>11 Q. Okay. Among the shore side</p> <p>12 personnel, was there anybody that had the</p> <p>13 assigned responsibility of being the safety</p> <p>14 manager?</p> <p>15 A. Yes.</p> <p>16 Q. And who was that?</p> <p>17 THE WITNESS: It's okay to --</p> <p>18 MR. RODGERS: Yeah.</p> <p>19 A. Yeah. Jason (indiscernible)</p> <p>20 was the HSQE advisor.</p> <p>21 Q. What does HSQE stand for?</p> <p>22 A. Health Safety Environmental</p> <p>23 something. He was the safety and</p> <p>24 compliance officer.</p> <p>25 Q. And when -- was he hired after</p>
Page 115	Page 117
<p>1 great question.</p> <p>2 MR. RODGERS: Don't adopt my</p> <p>3 questions.</p> <p>4 MR. CHAPMAN: No, no.</p> <p>5 Q. So there's seven tugs, right?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Seven inspected vessels, maybe</p> <p>8 some uninspected vessels. How many people</p> <p>9 work for Carver Marine Towing when you were</p> <p>10 a Port Captain before you -- you know, at</p> <p>11 about the time you -- well, mid June of</p> <p>12 2024?</p> <p>13 A. That would be -- if you want to</p> <p>14 include the dispatchers, eight people.</p> <p>15 Q. Okay. And you don't think of</p> <p>16 the crew members as being within that</p> <p>17 universe?</p> <p>18 A. Oh, I thought you were just</p> <p>19 talking shore side. If you want to include</p> <p>20 all the crew members --</p> <p>21 Q. Yeah.</p> <p>22 A. -- figure 10 guys per boat, so</p> <p>23 that's 70 people.</p> <p>24 Q. Okay.</p> <p>25 A. Plus the shore side staff, so</p>	<p>1 you started working there?</p> <p>2 A. He was, yes.</p> <p>3 Q. And how -- just in relationship</p> <p>4 to the allision, how long before the</p> <p>5 allision with the Belt Line bridge was he</p> <p>6 hired?</p> <p>7 A. A month or two.</p> <p>8 Q. Was he hired for that specific</p> <p>9 role?</p> <p>10 A. No.</p> <p>11 Q. What was he hired for?</p> <p>12 A. Originally as a dispatcher.</p> <p>13 Q. So when did he become</p> <p>14 the -- you called it the H --</p> <p>15 A. Health and safety officer.</p> <p>16 Q. Health and safety officer.</p> <p>17 A. Yeah.</p> <p>18 Q. When did he take on that</p> <p>19 responsibility? Before or after the</p> <p>20 allision?</p> <p>21 A. I believe it was right before,</p> <p>22 but I don't -- I can't give you an exact</p> <p>23 timeline.</p> <p>24 Q. Was he still with Carver when</p> <p>25 you left?</p>

LEONARD BALDASSARE

April 29, 2025

Page 118		Page 120	
1	A. Yes.	1	A. Correct.
2	Q. Was he still in the same role?	2	Q. But you didn't know about that
3	A. Yes.	3	when you conducted your investigation?
4	Q. Let me show you Exhibit 21 that	4	A. No, I did not.
5	was produced to us by Carver. And at the	5	Q. Did you ever go look in the
6	top -- I don't know who added this, it	6	Helm system to see what they had entered
7	says, "Screenshot from Helm event." You	7	about the incident?
8	see that?	8	A. No. Am I able to ask Jim a
9	A. Yeah.	9	question, like -- no?
10	Q. When you go to the Helm system	10	Q. Yeah. So here's the deal.
11	and you look up an incident -- maybe you	11	When we're doing depositions, it's just
12	got to put in the date, time, I don't know,	12	like we are testifying at trial.
13	but is this the view that you would get of	13	A. Sure.
14	an incident?	14	Q. You're testifying in trial. So
15	A. I think it would show up a	15	you wouldn't turn to a lawyer in trial and
16	little differently on mine, so I don't	16	say, "Hey, I need to ask a question."
17	know. I -- mine was a little bit of a	17	Judge wouldn't let you do that.
18	different view.	18	A. Right.
19	Q. Okay. This language here, I	19	Q. Okay. If you want to do it on
20	believe is shown on Exhibit 21 is identical	20	a break --
21	to the statement that appears in Exhibit 6,	21	A. Okay.
22	on page Carver 000056 regarding the	22	Q. -- I can't stop you guys from
23	incident. I just want to pass you Exhibit	23	talking.
24	6.	24	A. Understood.
25	A. Yeah, right here at 16:30?	25	Q. But --
Page 119		Page 121	
1	Q. Yeah.	1	A. Okay.
2	A. Yep.	2	Q. -- if you need a
3	Q. It says -- I believe they're	3	clarification, you're welcome to ask me
4	word for word?	4	too.
5	MR. RODGERS: What's your -- do	5	A. Okay.
6	you have a question?	6	Q. And I'll do my best. If
7	Q. Yeah. The question is, are	7	there's something about a question I'm
8	they word for word? Is there any	8	not -- you don't understand, I'm happy to
9	difference between the two?	9	try to help you sort that out.
10	A. No, it's word for word.	10	A. No, it's fine.
11	Q. Okay. So the daily log,	11	Q. Okay.
12	Exhibit 6, for June 15th, would've been	12	MR. RODGERS: And you can talk
13	completed on June 15th, correct?	13	to me whenever you need to, but not
14	A. Correct.	14	really about the testimony.
15	Q. All right. And then it	15	THE WITNESS: Okay.
16	would've been available to view in the Helm	16	MR. RODGERS: But if you need
17	system as an incident that occurred on that	17	to clarify something, tell
18	date, right?	18	Mr. Chapman.
19	A. Yes.	19	THE WITNESS: Well, the only
20	Q. Okay. So at least at some	20	thing that I wanted to clarify was
21	point on June 15th, somebody, Captain	21	that in regards to the logs, these
22	Miller or Captain Morrissey, entered a note	22	are -- they're able to go back in and
23	about the incident at 16:30 hours involving	23	edit these after the fact.
24	the bridge in which they described the use	24	Q. Oh, is that right?
25	of the autopilot, right?	25	A. Correct.

LEONARD BALDASSARE

April 29, 2025

Page 122	Page 124
<p>1 Q. Okay. So is there an audit</p> <p>2 trail that would tell you when something is</p> <p>3 changed?</p> <p>4 A. No.</p> <p>5 Q. Or what was changed?</p> <p>6 A. No.</p> <p>7 Q. So even though the daily log</p> <p>8 has been completed, it's not really final?</p> <p>9 A. It's not final until they close</p> <p>10 it out for the day. So they can leave it</p> <p>11 open for a few hours, and then go back and</p> <p>12 change or edit if they make a mistake on</p> <p>13 something. It's mostly -- it's there so</p> <p>14 that if they say, "Oh, we picked up the</p> <p>15 weeks 282, but it was really the weeks</p> <p>16 281," they can go back and make the</p> <p>17 correction.</p> <p>18 Q. Like they could do that a week</p> <p>19 later?</p> <p>20 A. No. Once they submit it for</p> <p>21 the day, then that's it.</p> <p>22 Q. So it's -- at the end of the</p> <p>23 day, it's closed?</p> <p>24 A. Correct.</p> <p>25 Q. And I'll call it, sort of,</p>	<p>1 A. Yes.</p> <p>2 Q. And is this the report that</p> <p>3 then is some how connected to the report</p> <p>4 that you have there in Exhibit 6? Are they</p> <p>5 related to each other?</p> <p>6 A. No, this is a separate form.</p> <p>7 Q. Okay.</p> <p>8 A. This is the master's daily form</p> <p>9 that they fill out every day.</p> <p>10 Q. All right. And if you look at</p> <p>11 the page for June 15th, check -- is -- they</p> <p>12 have numbers at the bottom, Carver 000019?</p> <p>13 A. Got it.</p> <p>14 Q. Right. This report says it was</p> <p>15 filled out by Captain Chris Miller on June</p> <p>16 15th, 2024 at 23:55 hours?</p> <p>17 A. Yes.</p> <p>18 Q. So he's the master of the</p> <p>19 vessel, that would've been just before he</p> <p>20 went off watch?</p> <p>21 A. Yes.</p> <p>22 Q. Right?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. So he fills out this</p> <p>25 report and submits it, and once it's</p>
Page 123	Page 125
<p>1 inalterable --</p> <p>2 A. Yes.</p> <p>3 Q. -- at that point?</p> <p>4 A. Yes. Until they submit it and</p> <p>5 close it out for the day, it's</p> <p>6 still -- they can still edit it.</p> <p>7 Q. So looking at Exhibit 6 again</p> <p>8 for June 15th on Page 56 of this exhibit,</p> <p>9 are you able to tell when they closed that</p> <p>10 out?</p> <p>11 A. No.</p> <p>12 Q. Is there another record,</p> <p>13 another document that would show you when</p> <p>14 the master's daily report was closed out?</p> <p>15 A. No.</p> <p>16 Q. Let me pass over to you Exhibit</p> <p>17 36. That was produced to us in this case,</p> <p>18 and appears to be -- well, is it -- is some</p> <p>19 kind of form titled "7.3 master's daily</p> <p>20 vessel reporting?"</p> <p>21 A. Yes.</p> <p>22 Q. For the Mackenzie Rose, right?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Right? So this is also a form</p> <p>25 in the Helm system?</p>	<p>1 submitted on -- at this time 23:55 hours,</p> <p>2 is it like done for the day?</p> <p>3 A. Yes.</p> <p>4 Q. You can't go back in and change</p> <p>5 it?</p> <p>6 A. No.</p> <p>7 Q. All right. And then the report</p> <p>8 that's in Exhibit 6 is more like a logbook,</p> <p>9 right?</p> <p>10 A. Yes.</p> <p>11 Q. And likewise, once it's</p> <p>12 submitted, whenever that happens, before</p> <p>13 the end of the day, it's done. You can't</p> <p>14 amend it?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Right. Okay. So there's also</p> <p>17 a rough deck log kept on the boat, right?</p> <p>18 A. Yes.</p> <p>19 Q. It's a journal, covers the</p> <p>20 whole year, right?</p> <p>21 A. Yes.</p> <p>22 Q. Carver puts those on the boat</p> <p>23 or provides them for the boat?</p> <p>24 A. No.</p> <p>25 Q. You don't think so?</p>

LEONARD BALDASSARE

April 29, 2025

<p style="text-align: right;">Page 126</p> <p>1 A. No.</p> <p>2 Q. Why?</p> <p>3 A. I've never been instructed to</p> <p>4 provide one or put one on the boat for any</p> <p>5 reason at all. That's what the Helm system</p> <p>6 is for.</p> <p>7 Q. So in your experience, you've</p> <p>8 never filled out a rough log?</p> <p>9 A. Not working at Carver</p> <p>10 companies, no.</p> <p>11 Q. At Buchanan?</p> <p>12 A. Yes.</p> <p>13 Q. Vane?</p> <p>14 A. No.</p> <p>15 Q. Center Line? Actually, you</p> <p>16 didn't have a sailing role at Center Line.</p> <p>17 A. I wasn't sailing there,</p> <p>18 correct.</p> <p>19 Q. But there's a rough log on the</p> <p>20 Mackenzie Rose, right?</p> <p>21 A. Yes.</p> <p>22 Q. So let me pass you Exhibit 23.</p> <p>23 MR. RODGERS: Are you okay?</p> <p>24 THE WITNESS: Yeah, yeah, I'm</p> <p>25 fine.</p>	<p style="text-align: right;">Page 128</p> <p>1 Captain Morrissey or Captain Miller?</p> <p>2 A. I do not know.</p> <p>3 Q. All right. Did anybody ever</p> <p>4 say to you during the course of any</p> <p>5 interview that they had actually tapped the</p> <p>6 bridge?</p> <p>7 A. No.</p> <p>8 Q. Only the fender?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Did you have any responsibility</p> <p>11 as Port Captain for making sure that</p> <p>12 repairs were effected to any of the tugs</p> <p>13 that you oversaw?</p> <p>14 A. Not usually. In certain</p> <p>15 instances I would assist the engineering</p> <p>16 team, but it would be handled by</p> <p>17 engineering.</p> <p>18 Q. Were you aware of any</p> <p>19 complaints involving either the steering</p> <p>20 system or the autopilot system on the</p> <p>21 Mackenzie Rose while you were Port Captain</p> <p>22 at any time before the allision with the</p> <p>23 bridge?</p> <p>24 A. No. Nothing was told to me</p> <p>25 from the vessel that there was any issues.</p>
<p style="text-align: right;">Page 127</p> <p>1 Q. So as part of your</p> <p>2 investigation into this allision, did you</p> <p>3 ever review the rough log that was on the</p> <p>4 boat?</p> <p>5 A. No.</p> <p>6 Q. Did you ever request a copy of</p> <p>7 the rough log?</p> <p>8 A. No.</p> <p>9 Q. Did you even know there was a</p> <p>10 rough log?</p> <p>11 A. No.</p> <p>12 Q. If you would look at -- this is</p> <p>13 in Exhibit 23, the page covering Saturday,</p> <p>14 June 15th of 2024?</p> <p>15 A. Yes, got it.</p> <p>16 Q. Okay. It says, "At 16:30, a</p> <p>17 co-captain reports steering went hard over</p> <p>18 and he was backing in, we tapped the</p> <p>19 northend P-B-L-R-R Bridge." Did I read</p> <p>20 that correctly?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Do you recognize that</p> <p>23 handwriting?</p> <p>24 A. No.</p> <p>25 Q. So you don't know whether it's</p>	<p style="text-align: right;">Page 129</p> <p>1 Q. Okay. So if there were</p> <p>2 some -- I'll call it problem or concern</p> <p>3 with navigation, the autopilot system, that</p> <p>4 sort of thing, how would the crew get that</p> <p>5 addressed or resolved, or at least</p> <p>6 inspected?</p> <p>7 A. They would reach out to the</p> <p>8 port engineer who would then set up either</p> <p>9 a technician, go out to the vessel to make</p> <p>10 a repair or talk to the engineer and see if</p> <p>11 it's something that the engineer feels</p> <p>12 comfortable repairing himself, depending on</p> <p>13 the extent of the issue.</p> <p>14 Q. Okay. Do you know what a "near</p> <p>15 miss report" is?</p> <p>16 A. Yes.</p> <p>17 Q. Is that a form that you fill</p> <p>18 out in the Helm system?</p> <p>19 A. Me personally, or the vessels?</p> <p>20 Q. Well, in Carver Marine Towing</p> <p>21 generally, is that a form that can be</p> <p>22 filled out in the Helm system?</p> <p>23 A. Yes. But not by shore side</p> <p>24 personnel. Just by the vessels.</p> <p>25 Q. So it's not a form that you</p>

LEONARD BALDASSARE

April 29, 2025

Page 130	Page 132
<p>1 would even have access to?</p> <p>2 A. No.</p> <p>3 Q. If there's one that's submitted</p> <p>4 by a vessel, are you able to see it?</p> <p>5 A. No. Usually, it goes directly</p> <p>6 to Brian because he was the one that would</p> <p>7 have to approve the near misses.</p> <p>8 Q. So there's an approval process</p> <p>9 when there's a near miss?</p> <p>10 A. Correct.</p> <p>11 Q. And what is -- what's involved</p> <p>12 in that?</p> <p>13 A. I do not know. I was not an</p> <p>14 approver.</p> <p>15 Q. So you wouldn't even be</p> <p>16 informed of a near miss?</p> <p>17 A. Unless there was a incident,</p> <p>18 normally not.</p> <p>19 Q. So as originally reported to</p> <p>20 you, where apparently everybody that you</p> <p>21 interviewed said, "All we did was brush up</p> <p>22 against the fender system on the</p> <p>23 bridge -- "</p> <p>24 MR. RODGERS: Objection to</p> <p>25 form. I'm not sure that's his</p>	<p>1 THE WITNESS: Okay.</p> <p>2 A. Then no.</p> <p>3 Q. It wouldn't be reported as a</p> <p>4 near miss or you just don't have an</p> <p>5 opinion?</p> <p>6 A. I don't have an opinion on it.</p> <p>7 Q. Okay. It was -- in your -- why</p> <p>8 did the boat -- why did Captain Miller</p> <p>9 contact you on the afternoon of June 15th,</p> <p>10 2024?</p> <p>11</p> <p>12</p> <p>13 MR. RODGERS: Objection to</p> <p>14 form. You can answer if you</p> <p>15 understand it.</p> <p>16 A. You would have to ask Captain</p> <p>17 Miller why he felt it necessary to call me.</p> <p>18 Q. So you were the Port Captain,</p> <p>19 and he reported that they had touched the</p> <p>20 fender system, right?</p> <p>21 A. Yes.</p> <p>22 Q. Who else would he report it to,</p> <p>23 if not you?</p> <p>24 A. Brian Moore.</p> <p>25 Q. Is there some clear kind of</p>
Page 131	Page 133
<p>1 testimony. You said "everyone."</p> <p>2 Q. You can correct me if I</p> <p>3 misstated, okay?</p> <p>4 A. Okay.</p> <p>5 Q. But based on that, would you</p> <p>6 have considered that to be a near miss,</p> <p>7 requiring a near miss report in your Helm</p> <p>8 system?</p> <p>9 MR. RODGERS: Objection to</p> <p>10 form. If you understand it, you can</p> <p>11 answer.</p> <p>12 A. I'm not really sure what you're</p> <p>13 asking. Are you asking if the incident</p> <p>14 that was reported to me on Saturday the</p> <p>15 15th, would be considered a near miss?</p> <p>16 Q. Sure.</p> <p>17 A. In my personnel opinion?</p> <p>18 Q. Yes.</p> <p>19 A. I'm not an expert in near</p> <p>20 misses, but --</p> <p>21 MR. RODGERS: Well, don't --</p> <p>22 A. No, I'm not really --</p> <p>23 MR. RODGERS: Stop, stop.</p> <p>24 Don't -- you're not here to give your</p> <p>25 opinion, okay.</p>	<p>1 reporting chain that he should call Moore</p> <p>2 first and then you, or call you and if he</p> <p>3 doesn't reach you, then call Moore?</p> <p>4 A. It would be me first.</p> <p>5 Q. All right. So do you know</p> <p>6 whether he spoke at all to Brian Moore that</p> <p>7 day?</p> <p>8 A. I do not know.</p> <p>9 Q. I want to ask you about a</p> <p>10 couple of sets of invoices or billing</p> <p>11 records that were provided to us by Carver</p> <p>12 that came from GMT McCay and Ayers Marine</p> <p>13 Electronics, which are labeled Exhibit 24</p> <p>14 and 25.</p> <p>15 A. Okay. You got an extra one</p> <p>16 there?</p> <p>17 Q. All right, thank you. So 24 is</p> <p>18 from Ayers Marine Electric?</p> <p>19 A. Yep.</p> <p>20 Q. And 25 is from GMT McCay,</p> <p>21 right?</p> <p>22 A. Yes.</p> <p>23 Q. Would those, I'll say, come</p> <p>24 across to -- your desk or come to your</p> <p>25 attention?</p>

LEONARD BALDASSARE

April 29, 2025

<p style="text-align: right;">Page 134</p> <p>1 A. I can't speak to this one</p> <p>2 because I wasn't even employed at the time.</p> <p>3 Q. That's the GMT McCay?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And you're talking about</p> <p>6 something from 2023?</p> <p>7 A. Correct.</p> <p>8 Q. Okay.</p> <p>9 A. So I wasn't employed, so I</p> <p>10 can't speak to anything on that.</p> <p>11 Q. And one second before we go on,</p> <p>12 but Exhibit 25, the GMT McCay, is three</p> <p>13 pages. So the second page is from March of</p> <p>14 2024?</p> <p>15 A. Yes.</p> <p>16 Q. All right. And so, that's my</p> <p>17 question is, would that have come to your</p> <p>18 attention in --</p> <p>19 MR. RODGERS: The invoice.</p> <p>20 Q. Yeah. The record from McCay?</p> <p>21 A. No. This would go to our</p> <p>22 accounts payable department.</p> <p>23 Q. Okay. So -- but in the</p> <p>24 ordinary course, you wouldn't be involved</p> <p>25 in that at all?</p>	<p style="text-align: right;">Page 136</p> <p>1 2024?</p> <p>2 A. Yes, sir.</p> <p>3 Q. And they came out twice?</p> <p>4 A. Yes.</p> <p>5 Q. Right. And to your knowledge,</p> <p>6 what work was required on the autopilot</p> <p>7 system?</p> <p>8 A. I'm not sure exactly what was</p> <p>9 required. I know what they did was replace</p> <p>10 the actual unit itself. They ran some new</p> <p>11 wires and they have fixed everything into</p> <p>12 the GPS system on the boat.</p> <p>13 Q. In April of 2024?</p> <p>14 A. Yes.</p> <p>15 Q. Do you know what problems</p> <p>16 they were experiencing with the autopilot</p> <p>17 system?</p> <p>18 A. I do not know exactly. I was</p> <p>19 just instructed from the engineering team</p> <p>20 to please assist in setting up a technician</p> <p>21 to come out there.</p> <p>22 Q. So when did you start with</p> <p>23 Carver in 2024? And I know you told us</p> <p>24 January, but what was your start date?</p> <p>25 A. It was sometime in mid January.</p>
<p style="text-align: right;">Page 135</p> <p>1 A. No.</p> <p>2 Q. Right. Do you have any memory</p> <p>3 of seeing that or knowing it was some work</p> <p>4 being done on the Mackenzie Rose in that</p> <p>5 timeframe?</p> <p>6 A. No, not this one.</p> <p>7 Q. Okay. So let's look at the</p> <p>8 Ayers Marine Electric, that is Exhibit 24.</p> <p>9 A. Yep.</p> <p>10 Q. Would that have come to your</p> <p>11 attention in some way or across your desk,</p> <p>12 so to speak, in connection with your role</p> <p>13 as Port Captain in 2024?</p> <p>14 A. No. Once again, this would go</p> <p>15 to accounts payable. However, I was the</p> <p>16 one that was instructed to set up the</p> <p>17 technicians to come down and work on the</p> <p>18 autopilot for the boat.</p> <p>19 Q. Okay. So you didn't have that</p> <p>20 role with the GMT McCay work in March of</p> <p>21 2024?</p> <p>22 A. No.</p> <p>23 Q. But you did with Ayers?</p> <p>24 A. Yes, sir.</p> <p>25 Q. In -- and that was in April of</p>	<p style="text-align: right;">Page 137</p> <p>1 I don't know the exact date.</p> <p>2 Q. Okay. Shortly after you</p> <p>3 arrived, if it was mid January, did you</p> <p>4 become aware that Captain Morrissey, while</p> <p>5 piloting the Mackenzie Rose down in</p> <p>6 Charleston Harbor, hit a pier?</p> <p>7 A. No.</p> <p>8 Q. You didn't know that?</p> <p>9 A. No.</p> <p>10 Q. Would that type of thing be</p> <p>11 reported to you as a Port Captain or not?</p> <p>12 A. It would be normally, yes.</p> <p>13 Q. Okay. Let me pass to you</p> <p>14 Exhibit 3.</p> <p>15 (Whereupon, Exhibit 3 was</p> <p>16 marked for identification.)</p> <p>17 A. Okay.</p> <p>18 Q. This was produced to us by</p> <p>19 Carver, and at the top it says it's 9.5</p> <p>20 incident report event pertaining to the</p> <p>21 Mackenzie Rose. It looks like somebody</p> <p>22 filled it out on January 22nd of 2024. Do</p> <p>23 you see that?</p> <p>24 A. Yeah. I feel like -- do you</p> <p>25 know what day of the week this was?</p>

LEONARD BALDASSARE

April 29, 2025

Page 138	Page 140
<p>1 Because I feel like this happened or this</p> <p>2 was right before I started.</p> <p>3 Q. Okay.</p> <p>4 A. This date.</p> <p>5 Q. Do you know who Brandon Kuster</p> <p>6 is?</p> <p>7 A. I do.</p> <p>8 Q. Who is he or what role did he</p> <p>9 have at --</p> <p>10 A. He was a mate at Carver</p> <p>11 Companies, he still works there --</p> <p>12 Q. He's still --</p> <p>13 A. -- to my knowledge.</p> <p>14 Q. He's still employed at Carver?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. At least he was when you</p> <p>17 left?</p> <p>18 A. Correct.</p> <p>19 Q. This Helm -- this report from</p> <p>20 Helm is some type of form that has to be</p> <p>21 filled out when there's an incident --</p> <p>22 A. Yes.</p> <p>23 Q. -- right? Whether it was for</p> <p>24 the Mackenzie Rose or not, were there any</p> <p>25 other 9.5 incident reports that were filled</p>	<p>1 A. Yeah. I'm not sure if -- I</p> <p>2 would say probably not, but I don't know</p> <p>3 for sure.</p> <p>4 Q. After you started working for</p> <p>5 Carver, did you ever hear or come to learn</p> <p>6 that Captain Morrissey, while piloting the</p> <p>7 Mackenzie Rose, had hit a pier in</p> <p>8 Charleston, South Carolina?</p> <p>9 A. No.</p> <p>10 Q. While you were employed by</p> <p>11 Carver, was Captain Morrissey ever</p> <p>12 disciplined or reprimanded or anything to</p> <p>13 your knowledge?</p> <p>14 A. Not to my knowledge, and not by</p> <p>15 me.</p> <p>16 Q. Have you had to discipline or</p> <p>17 reprimand anybody during your employment by</p> <p>18 Carver?</p> <p>19 MR. RODGERS: You can --</p> <p>20 A. Yes.</p> <p>21 Q. Okay.</p> <p>22 A. I have, yeah.</p> <p>23 Q. Crew members?</p> <p>24 A. Correct.</p> <p>25 Q. All right. Anybody who was in</p>
Page 139	Page 141
<p>1 out for any of the vessels while you were</p> <p>2 employed by Carver?</p> <p>3 A. Not to my knowledge.</p> <p>4 Q. And you don't think you've ever</p> <p>5 seen this one?</p> <p>6 A. This one I've never seen, no.</p> <p>7 Q. Okay. Was a 9.5 incident</p> <p>8 report like Exhibit 3, like the one marked</p> <p>9 as Exhibit 3, ever started for the allision</p> <p>10 with the Belt Line Bridge?</p> <p>11 A. I do not know.</p> <p>12 Q. Did you ever open such a form</p> <p>13 and input any data --</p> <p>14 A. No.</p> <p>15 Q. -- to support that? Do you</p> <p>16 know if any of the -- either the master or</p> <p>17 the mate did?</p> <p>18 A. You would have to ask them, I</p> <p>19 don't know.</p> <p>20 Q. Can this report be filled out</p> <p>21 by anybody other than the master or the</p> <p>22 mate?</p> <p>23 A. I do not know if -- I don't</p> <p>24 know. I'm not sure.</p> <p>25 Q. Okay.</p>	<p>1 the role of master of a tug?</p> <p>2 A. No. No.</p> <p>3 Q. Mate?</p> <p>4 A. Yes.</p> <p>5 Q. And more than once?</p> <p>6 A. Yeah. Not the same individual,</p> <p>7 but on a few separate occasions, a few</p> <p>8 mates needed to, you know, shape up.</p> <p>9 Q. And what are the types of</p> <p>10 things that you would've to counsel them</p> <p>11 about?</p> <p>12 A. Just being more prudent with</p> <p>13 filling out logs, doing inspections.</p> <p>14 Their -- just overall, you know, the way</p> <p>15 they conduct themselves on the boat.</p> <p>16 Q. Anything operational?</p> <p>17 A. No. No.</p> <p>18 Q. What about deck hands?</p> <p>19 A. Yes.</p> <p>20 Q. Counseling involved by you or</p> <p>21 delivered by you?</p> <p>22 A. Yes.</p> <p>23 Q. All right. And again, same</p> <p>24 question, what's the nature of that</p> <p>25 counseling?</p>

LEONARD BALDASSARE

April 29, 2025

Page 142	Page 144
<p>1 A. Don't be lazy, listen to the</p> <p>2 captain, do your duties that you're</p> <p>3 assigned for your watch. Yeah, that's</p> <p>4 pretty much it.</p> <p>5 Q. Is there a record kept of that</p> <p>6 counseling?</p> <p>7 A. No. No. It's more just me</p> <p>8 coming saying, "Hey, listen. I spoke to</p> <p>9 Captain whoever, he's not really thrilled</p> <p>10 with the way things have been working out.</p> <p>11 This is me telling you, you know, you need</p> <p>12 to be better, try harder."</p> <p>13 Things of that nature.</p> <p>14 Q. But it's not like there's</p> <p>15 something that gets documented in their</p> <p>16 personnel file?</p> <p>17 A. No. Unless it was a -- like a</p> <p>18 major thing, then if they were like written</p> <p>19 up or something like that, then it would be</p> <p>20 documented.</p> <p>21 Q. When you say, "written up," is</p> <p>22 there a form in Helm for doing that?</p> <p>23 A. No, HR has the write-up forms.</p> <p>24 Q. Can you access the HR system</p> <p>25 for those?</p>	<p>1 Q. Captain Miller?</p> <p>2 A. I don't believe so, no.</p> <p>3 Q. We can put those over here.</p> <p>4 A. Oh, sure. There you go.</p> <p>5 Q. Mr. Baldassare, I'm going to</p> <p>6 pass to you what has been marked as</p> <p>7 Exhibits 26, 28, and 30. Those documents</p> <p>8 were produced to us in this case, and they</p> <p>9 appear to be separate near miss reports --</p> <p>10 A. Okay.</p> <p>11 Q. -- involving the Mackenzie</p> <p>12 Rose.</p> <p>13 MR. RODGERS: Separate reports</p> <p>14 or separate incidents.</p> <p>15 MR. CHAPMAN: Well, Okay.</p> <p>16 Separate reports of separate</p> <p>17 incidents, how about that?</p> <p>18 Q. It's only Exhibit 28 that has</p> <p>19 the Helm sort of logo on it with some other</p> <p>20 data about when it was filled out, who it</p> <p>21 was filled out by.</p> <p>22 A. Right.</p> <p>23 Q. You see that?</p> <p>24 A. Yes.</p> <p>25 Q. But exhibits 26 and 30 contain</p>
Page 143	Page 145
<p>1 A. No. I would have to reach out</p> <p>2 to HR directly and let them know we're</p> <p>3 going to be writing this person up for X, Y</p> <p>4 and Z, and then they would send the form</p> <p>5 over.</p> <p>6 Q. To your knowledge, was Captain</p> <p>7 Morrissey ever written up --</p> <p>8 A. Not to my knowledge.</p> <p>9 Q. -- in process?</p> <p>10 A. Not to my knowledge and not by</p> <p>11 me.</p> <p>12 Q. Were there occasions while you</p> <p>13 were employed by Carver as Port Captain</p> <p>14 that you did reach out to HR and initiated</p> <p>15 that you -- write-up process on anybody you</p> <p>16 were counseling?</p> <p>17 A. Yes, one time.</p> <p>18 Q. One time. And what position</p> <p>19 did that person hold?</p> <p>20 A. Deck hand.</p> <p>21 Q. On the Mackenzie Rose?</p> <p>22 A. No.</p> <p>23 Q. Did you ever do a check ride</p> <p>24 with Captain Morrissey?</p> <p>25 A. No.</p>	<p>1 the form response items for separate</p> <p>2 incidents. Do you see that?</p> <p>3 A. Mm-hmm.</p> <p>4 Q. Okay.</p> <p>5 A. Yes.</p> <p>6 Q. These all were received at some</p> <p>7 point by Mr. Moore?</p> <p>8 A. Yes.</p> <p>9 Q. Do you see that in Block 2.2?</p> <p>10 A. Yes.</p> <p>11 Q. On separate dates. Looks like</p> <p>12 Exhibit 26 was in May of 2024, Exhibit 28</p> <p>13 was in March of 2024 and Exhibit 30 was in</p> <p>14 April of 2024, right?</p> <p>15 A. Yes.</p> <p>16 Q. Were you ever aware of any of</p> <p>17 these near misses --</p> <p>18 A. No.</p> <p>19 Q. -- that were reported?</p> <p>20 A. No, I was not. As I stated</p> <p>21 earlier, these -- when these were</p> <p>22 submitted, they went directly to Brian as</p> <p>23 he was the approver of the near misses.</p> <p>24 Q. In 2024, March, April and May,</p> <p>25 do you know whether Mr. Moore had a valid</p>

LEONARD BALDASSARE

April 29, 2025

Page 146	Page 148
<p>1 Merchant Mariners Document?</p> <p>2 A. Did he have one?</p> <p>3 Q. Yeah.</p> <p>4 MR. RODGERS: I didn't hear it.</p> <p>5 Q. I'm asking if you know whether</p> <p>6 in March, April and May of 2024, Mr. Moore</p> <p>7 had a valid Merchant Mariners document?</p> <p>8 MR. RODGERS: I didn't hear,</p> <p>9 Merchant Marine, what.</p> <p>10 MR. CHAPMAN: Merchant Mariners</p> <p>11 document. Did he have a valid --</p> <p>12 MR. RODGERS: A license.</p> <p>13 MR. CHAPMAN: Yep, mm-hmm.</p> <p>14 A. I don't know. I would -- I</p> <p>15 don't know, I --</p> <p>16 MR. RODGERS: Don't assume</p> <p>17 anything.</p> <p>18 A. Yeah, no. I don't know.</p> <p>19 Q. Okay. Had you ever sailed with</p> <p>20 Mr. Moore?</p> <p>21 A. No.</p> <p>22 Q. So when you worked together in</p> <p>23 the past, they weren't in the sailing</p> <p>24 roles?</p> <p>25 A. Separate vessels. He was a</p>	<p>1 Q. Okay.</p> <p>2 A. Yeah.</p> <p>3 Q. Are there -- I don't know what</p> <p>4 to call them, modules, like a video you</p> <p>5 would watch or a training document that you</p> <p>6 would review or quiz, you know, written</p> <p>7 quiz that you would fill out that were</p> <p>8 associated with any of these?</p> <p>9 A. Not to my knowledge. No, not</p> <p>10 to my knowledge.</p> <p>11 Q. Okay. I am thinking that now's</p> <p>12 a good time to get lunch and then --</p> <p>13 MR. RODGERS: Oh, you're not</p> <p>14 done.</p> <p>15 I'm kidding.</p> <p>16 MR. CHAPMAN: Come back in 45</p> <p>17 minutes.</p> <p>18 MR. RODGERS: Yeah, 45 works.</p> <p>19 MR. CHAPMAN: Okay.</p> <p>20 MR. RODGERS: Is that okay with</p> <p>21 your team.</p> <p>22 MR. CHAPMAN: Yes.</p> <p>23 THE VIDEOGRAPHER: We are going</p> <p>24 off the record. The time is 1:06</p> <p>25 p.m.</p>
<p>1 captain, I was sailing as a mate on a</p> <p>2 different vessel.</p> <p>3 Q. Okay. Did he ever inform you</p> <p>4 of these near miss reports?</p> <p>5 A. No, he did not.</p> <p>6 Q. Okay. I'm going to pass you</p> <p>7 Exhibit 32.</p> <p>8 A. Sure.</p> <p>9 MR. RODGERS: Thank you.</p> <p>10 Q. This was produced to us by</p> <p>11 Carver and it consists of several pages</p> <p>12 beginning with Carver 00851 through 00885.</p> <p>13 And it appears to relate</p> <p>14 exclusively to James D. Morrissey. Do you</p> <p>15 know what this report is of?</p> <p>16 A. I have no idea. I have never</p> <p>17 seen this before.</p> <p>18 Q. Okay. Do you see on -- just</p> <p>19 looking at the first couple of pages, it</p> <p>20 looks like it's tracking either training or</p> <p>21 participation in drills, that sort of</p> <p>22 thing?</p> <p>23 A. Yeah. Participating in</p> <p>24 drill -- yeah, weekly task, participating</p> <p>25 in drill.</p>	<p>1 Off the record.</p> <p>2 (Whereupon, a short recess was</p> <p>3 taken.)</p> <p>4 THE VIDEOGRAPHER: Beginning</p> <p>5 Media Number 3. We are back on the</p> <p>6 record. The time is 1:59 p.m.</p> <p>7 Q. Mr. Baldassare, I'm going to</p> <p>8 pass over to you Exhibit 34. You can give</p> <p>9 me 32, 33.</p> <p>10 A. 32, yeah.</p> <p>11 Q. Great. Thanks. That's a</p> <p>12 document that was provided by Carver. It</p> <p>13 appears to be a report of the voyage plan</p> <p>14 out of the Helm system?</p> <p>15 A. Yep, yes.</p> <p>16 Q. At the top it says, "7.9 voyage</p> <p>17 plan-outside New York Harbor for the</p> <p>18 Mackenzie Rose."</p> <p>19 A. Right.</p> <p>20 Q. On June 15th, 2024?</p> <p>21 A. Yep.</p> <p>22 Q. The time is, I guess that's</p> <p>23 midnight, right?</p> <p>24 A. Yes.</p> <p>25 Q. It says it was filled out by</p>

LEONARD BALDASSARE

April 29, 2025

<p style="text-align: right;">Page 150</p> <p>1 you?</p> <p>2 A. It does say that, yes.</p> <p>3 Q. Okay. Was it filled out by</p> <p>4 you?</p> <p>5 A. It was not. So sometimes what</p> <p>6 happens when the -- whoever is filling out</p> <p>7 the log or the voyage plan, there's a drop</p> <p>8 down for who it's filled out by and it's</p> <p>9 alphabetical. And a lot of times since my</p> <p>10 name is BA, it's usually at the top.</p> <p>11 So instead of dropping down and</p> <p>12 correct -- picking whoever is filling it</p> <p>13 out, sometimes they would just leave my</p> <p>14 name without even realizing it. That's why</p> <p>15 it says deleted.</p> <p>16 Q. Have you ever filled out a</p> <p>17 voyage plan --</p> <p>18 A. No.</p> <p>19 Q. -- in section 7.9?</p> <p>20 A. No.</p> <p>21 Q. Never?</p> <p>22 A. Never.</p> <p>23 Q. Okay. Is there any way to know</p> <p>24 who filled this out then?</p> <p>25 A. I don't think so. No, I don't</p>	<p style="text-align: right;">Page 152</p> <p>1 put the correct name.</p> <p>2 Q. And we just don't have that</p> <p>3 version of whatever the correct name would</p> <p>4 be?</p> <p>5 A. Correct.</p> <p>6 Q. All right. Once this plan is</p> <p>7 filed can it be amended -- modified?</p> <p>8 A. I don't believe so.</p> <p>9 Q. So they couldn't change who it</p> <p>10 was filled out by?</p> <p>11 A. No. They would have to delete</p> <p>12 it and create a new one.</p> <p>13 Q. When you create a voyage plan</p> <p>14 it says, you know, date filed and then the</p> <p>15 time, are those drop downs as well --</p> <p>16 A. Yeah.</p> <p>17 Q. -- or is that autopopulated?</p> <p>18 A. No. This all drop downs except</p> <p>19 for the external number and the tags,</p> <p>20 everything else is a drop down.</p> <p>21 Q. Even the time -- the date and</p> <p>22 time?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Did you ever see this in</p> <p>25 connection with your investigation of the</p>
<p style="text-align: right;">Page 151</p> <p>1 think so.</p> <p>2 Q. So in Section 2 it describes</p> <p>3 the crew members?</p> <p>4 A. Yes.</p> <p>5 Q. Master, mate, engineer and two</p> <p>6 deck hands, right?</p> <p>7 A. Yes.</p> <p>8 Q. And it's got their names?</p> <p>9 A. Yes.</p> <p>10 Q. So after the Master Christopher</p> <p>11 Miller, says deleted.</p> <p>12 A. Yep.</p> <p>13 Q. What does deleted mean?</p> <p>14 A. I do not know.</p> <p>15 Q. And I get -- the same questions</p> <p>16 around the mate and the engineer, where it</p> <p>17 says, "The mate is James Morrissey and the</p> <p>18 engineer, Jason McGrath." It says,</p> <p>19 "Inactive" after theirs?</p> <p>20 A. Right. I see that. I don't</p> <p>21 know what -- why it would say that.</p> <p>22 Q. Okay. Do you know why it says,</p> <p>23 "Deleted" for you?</p> <p>24 A. Like I said earlier, if they</p> <p>25 put the wrong name they have to go back and</p>	<p style="text-align: right;">Page 153</p> <p>1 allusion with the bridge?</p> <p>2 A. No, I did not.</p> <p>3 Q. It lives in the Helm system</p> <p>4 though, so if you had looked for it, you</p> <p>5 could have accessed it?</p> <p>6 A. Correct.</p> <p>7 Q. In Section 1.2, under voyage</p> <p>8 planning, it references a Rose Point voyage</p> <p>9 plan to be attached to the form. Have you</p> <p>10 ever seen a Rose Point voyage plan attached</p> <p>11 to one of these forms?</p> <p>12 A. Yes.</p> <p>13 Q. And how do you create that?</p> <p>14 A. It would be on the Rose Point</p> <p>15 system on the boat. They would go in,</p> <p>16 create a voyage plan and then they can</p> <p>17 print it out.</p> <p>18 Q. So when you create a Rose Point</p> <p>19 voyage plan, you put in where you start and</p> <p>20 where you're going?</p> <p>21 A. Correct. With all your way</p> <p>22 points along the way, security check-ins,</p> <p>23 traffic check-ins, things of that nature.</p> <p>24 Q. So you actually have to what,</p> <p>25 like drop pins or something, for those in</p>

LEONARD BALDASSARE

April 29, 2025

Page 154	Page 156
<p>1 the plan?</p> <p>2 A. Yeah, essentially, yes.</p> <p>3 Q. And when you then create the</p> <p>4 plan, so that you can attach it, is it like</p> <p>5 one click in the Rose Point application to</p> <p>6 do that?</p> <p>7 A. I don't understand your</p> <p>8 question.</p> <p>9 Q. Well, I'm just trying to</p> <p>10 understand. It goes on to describe, it</p> <p>11 says, "Save the voyage plan to your</p> <p>12 computer, then click on the paper clip,</p> <p>13 either at the top of the form or the one on</p> <p>14 the right side."</p> <p>15 Is that to create the voyage</p> <p>16 plan, or is that to attach it to this Helm</p> <p>17 system?</p> <p>18 A. That's to attach the voyage</p> <p>19 plan to the Helm voyage plan -- the Rose</p> <p>20 Point voyage plan to the Helm voyage plan.</p> <p>21 Q. And is the Rose Point voyage</p> <p>22 plan like a PDF or what type of file is it?</p> <p>23 A. I'm not sure what kind of form</p> <p>24 it comes in, I believe it is a PDF, but I'm</p> <p>25 not 100 percent sure.</p>	<p>1 A. That, I do not know.</p> <p>2 Q. Under Section 5.</p> <p>3 A. Yep.</p> <p>4 Q. There is a number of risk</p> <p>5 assessment questions. And then in Section</p> <p>6 6 there is a reference to 9.4 GAR model</p> <p>7 risk assessment. Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. It looks like GAR stands for,</p> <p>10 Green Amber Red?</p> <p>11 A. Yes.</p> <p>12 Q. Correct?</p> <p>13 A. Correct.</p> <p>14 Q. Are you familiar with that risk</p> <p>15 assessment system?</p> <p>16 A. No.</p> <p>17 Q. Is there something that</p> <p>18 the -- whoever filled out this form has</p> <p>19 access to, to kind of walk them through the</p> <p>20 assignment of risk scores in Section 6?</p> <p>21 MR. RODGERS: Objection.</p> <p>22 Foundation.</p> <p>23 MR. CHAPMAN: Well, he can only</p> <p>24 answer if he knows, Mr. Rodgers.</p> <p>25 MR. RODGERS: He said he</p>
<p>1 Q. Did you ever secure the Rose</p> <p>2 Point voyage plan from anyone in the crew</p> <p>3 of the McKenzie Rose for the voyage they</p> <p>4 were on when they elided with the bridge?</p> <p>5 A. No, I did not.</p> <p>6 Q. Did you ask them to provide it?</p> <p>7 A. No, I did not.</p> <p>8 Q. Why not?</p> <p>9</p> <p>10 MR. RODGERS: Objection to</p> <p>11 form. You can answer if you have an</p> <p>12 answer.</p> <p>13</p> <p>14 A. I don't really have an answer.</p> <p>15 I just didn't request it.</p> <p>16 Q. I assume that the voyage plan</p> <p>17 did not include eliding with the bridge?</p> <p>18 A. No.</p> <p>19 Q. Would the voyage plan indicate</p> <p>20 the ranges where the vessel was going to be</p> <p>21 on autopilot?</p> <p>22 A. No. No.</p> <p>23 Q. Does the Rose Point system</p> <p>24 track when the vessel is or is not on</p> <p>25 autopilot?</p>	<p>1 doesn't fill out these things.</p> <p>2 MR. CHAPMAN: That doesn't make</p> <p>3 any difference. It's a question of</p> <p>4 whether he knows --</p> <p>5 MR. RODGERS: But now you're</p> <p>6 asking him --</p> <p>7 MR. CHAPMAN: -- if there's some</p> <p>8 reference.</p> <p>9 MR. RODGERS: But now you're</p> <p>10 asking him what somebody who fills it</p> <p>11 out whether they -- how -- excuse me,</p> <p>12 how they fill it out.</p> <p>13 But you can answer if you know,</p> <p>14 Lenny.</p> <p>15 A. I don't know. I don't know. I</p> <p>16 don't fill these out regularly, so.</p> <p>17 Q. Are you familiar at all with</p> <p>18 the GAR model risk assessment --</p> <p>19 A. No.</p> <p>20 Q. -- process?</p> <p>21 A. No.</p> <p>22 Q. Do you know what the reference</p> <p>23 to 9.4 is, in Section 6?</p> <p>24 A. It's right here, GAR model risk</p> <p>25 assessment.</p>

LEONARD BALDASSARE

April 29, 2025

Page 158	Page 160
<p>1 Q. Yeah. Do you know what that</p> <p>2 reference is, it's 9.4 to some other</p> <p>3 document or system?</p> <p>4 A. Oh, I don't know.</p> <p>5 MR. CHAPMAN: That was mine.</p> <p>6 That was mine. That was mine.</p> <p>7 MR. RODGERS: Sorry.</p> <p>8 MR. CHAPMAN: It's all right.</p> <p>9 MR. RODGERS: Jesus, I'm losing</p> <p>10 it. I thought I heard a little</p> <p>11 voice.</p> <p>12 Q. Mr. Baldassare, let me pass you</p> <p>13 now, Exhibit 4, which we learned yesterday</p> <p>14 from Mr. Moore our selected sections from</p> <p>15 the safety management system?</p> <p>16 (Whereupon, Exhibit 4 was</p> <p>17 marked for identification.)</p> <p>18 A. Mm-hmm.</p> <p>19 MR. RODGERS: Objection to</p> <p>20 form.</p> <p>21 Q. If -- let's just start with</p> <p>22 page -- they're numbered at the bottom,</p> <p>23 Carver 0000148?</p> <p>24 A. This first page here?</p> <p>25 Q. Yeah.</p>	<p>1 that's printed out somewhere at Carver</p> <p>2 Marine?</p> <p>3 A. Not to my knowledge.</p> <p>4 Q. You never had a hard copy?</p> <p>5 A. No, just the electronic.</p> <p>6 Q. Okay. So you don't know how</p> <p>7 thick the hard copy would be if it was</p> <p>8 printed out?</p> <p>9 A. No. I admit -- I would assume</p> <p>10 it's killing a lot of trees.</p> <p>11 Q. Okay. You had access to the</p> <p>12 safety management system though while you</p> <p>13 were Port Captain, right?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And did you ever use it to look</p> <p>16 things up or check on things?</p> <p>17 A. Yes.</p> <p>18 Q. Does it have like an index or</p> <p>19 is it -- do you know?</p> <p>20 A. You could search it. You could</p> <p>21 do like Control S and a little tab would</p> <p>22 come up and you can search for just like</p> <p>23 keywords. So if you're looking for health</p> <p>24 and safety, you could just type in, "Health</p> <p>25 and safety" and it would bring you to all</p>
Page 159	Page 161
<p>1 A. Yep.</p> <p>2 Q. It says at the top, "5.1</p> <p>3 Master's responsibility and authority?"</p> <p>4 A. Mm-hmm.</p> <p>5 Q. Do you know what the safety</p> <p>6 management system is that Carver has for</p> <p>7 marine operations?</p> <p>8 A. Yes.</p> <p>9 Q. And is it available in</p> <p>10 electronic version?</p> <p>11 A. Yes, it's in Helm.</p> <p>12 Q. It's actually in the Helm</p> <p>13 system?</p> <p>14 A. Yes. They can access it via</p> <p>15 Helm.</p> <p>16 Q. Do you know -- is it like a PDF</p> <p>17 document in Helm or is it a -- an</p> <p>18 electronic document that just has a bunch</p> <p>19 of sections in it?</p> <p>20 A. It's -- you could access it</p> <p>21 both ways. You can access it</p> <p>22 electronically in the helm system and then</p> <p>23 you can also download the entire thing as a</p> <p>24 PDF.</p> <p>25 Q. Okay. Is there a hard copy</p>	<p>1 the sections that include health and</p> <p>2 safety.</p> <p>3 Q. And then you could just kind of</p> <p>4 scroll through the document looking at</p> <p>5 them?</p> <p>6 A. Yes.</p> <p>7 Q. Do you know whether it has like</p> <p>8 a table of contents?</p> <p>9 A. I believe it does, but I'm not</p> <p>10 100 percent sure. But I'm -- I believe it</p> <p>11 does, yes.</p> <p>12 Q. Did -- was there a safety</p> <p>13 management system in place at Center Line?</p> <p>14 A. Yes.</p> <p>15 Q. That you had access to?</p> <p>16 A. Yes.</p> <p>17 Q. And at Vain Brothers?</p> <p>18 A. Yes.</p> <p>19 Q. That you had access to?</p> <p>20 A. Yes.</p> <p>21 Q. What about -- it was at</p> <p>22 Buchanan that you worked at?</p> <p>23 A. Yes.</p> <p>24 Q. Did they have one too?</p> <p>25 A. They did, yes.</p>

LEONARD BALDASSARE

April 29, 2025

Page 162	Page 164
<p>1 Q. Was it electronic?</p> <p>2 A. Yes.</p> <p>3 Q. So it suffices to say that</p> <p>4 you've used the safety management system at</p> <p>5 not just Carver, but previous employers?</p> <p>6 A. Yes. They're all -- they all</p> <p>7 vary based on the company, but yes.</p> <p>8 Q. Does your new company have a</p> <p>9 safety management system?</p> <p>10 A. It does, yes.</p> <p>11 Q. So this starts at 5.1 and these</p> <p>12 are the only sections that were produced to</p> <p>13 us, okay?</p> <p>14 A. Okay.</p> <p>15 Q. But in terms of the overall</p> <p>16 numbering scheme, if you see on Page 1 or</p> <p>17 the first page of the exhibit where the</p> <p>18 exhibit sticker is, would there be sections</p> <p>19 that come before 5.1?</p> <p>20 A. I'm not sure. I would have to</p> <p>21 pull the whole thing up, but I don't know.</p> <p>22 Q. And would there be sections</p> <p>23 that come after 9.5?</p> <p>24 A. Again, I don't know. I don't</p> <p>25 have it memorized.</p>	<p>1 everything. But they are their own</p> <p>2 separate entity.</p> <p>3 Q. Do you know where they're</p> <p>4 headquartered?</p> <p>5 A. I believe in Louisiana.</p> <p>6 Q. Okay. There's an address on</p> <p>7 here that says, "Daphne, Alabama." Could</p> <p>8 that be it?</p> <p>9 A. Could be, but I don't know.</p> <p>10 I've never been to the headquarters.</p> <p>11 Q. Okay.</p> <p>12 A. We've only dealt with the TBS</p> <p>13 employees that are in New York.</p> <p>14 Q. And who are they?</p> <p>15 A. Collin Bryant.</p> <p>16 Q. Collin Bryant --</p> <p>17 A. Yes.</p> <p>18 Q. -- with a T?</p> <p>19 A. Yes.</p> <p>20 Q. All right.</p> <p>21 A. And that's it. Just him.</p> <p>22 Sorry.</p> <p>23 Q. Just him?</p> <p>24 A. Yes.</p> <p>25 Q. Is he in Staten Island, New</p>
Page 163	Page 165
<p>1 Q. The only way to really know is</p> <p>2 to look at the document, right?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Do you know what the</p> <p>5 source of the safety management system is</p> <p>6 that Carver used, like who they bought it</p> <p>7 from or rented it from?</p> <p>8 A. I do not know.</p> <p>9 Q. If you turn to the very end of</p> <p>10 this exhibit, the last four pages, the</p> <p>11 first of which begins with the number</p> <p>12 Carver 000886?</p> <p>13 A. Yeah. With the TBS logo at the</p> <p>14 top?</p> <p>15 Q. Yeah.</p> <p>16 A. Yep.</p> <p>17 Q. Are you familiar with the</p> <p>18 company that's referred to as TBS?</p> <p>19 A. Yes.</p> <p>20 Q. What do you know about them?</p> <p>21 A. They're a third-party auditor</p> <p>22 that -- they manage the Helm system and</p> <p>23 they manage like the documentation for all</p> <p>24 the boats, and kind of just make sure that</p> <p>25 you're staying in compliance with</p>	<p>1 York City?</p> <p>2 A. I think he's all over the</p> <p>3 place. I don't know what his day to day</p> <p>4 is, but I know he covers New York.</p> <p>5 Q. And is he the sales guy or is</p> <p>6 he the troubleshooting guy with the -- this</p> <p>7 product?</p> <p>8 A. No. He's -- he comes out and</p> <p>9 like does the audits and make sure that</p> <p>10 everything is staying in compliance.</p> <p>11 Q. All right. At your new</p> <p>12 employer, HNL --</p> <p>13 A. Yes.</p> <p>14 Q. -- do you also use TBS?</p> <p>15 A. No.</p> <p>16 Q. Is there another third party</p> <p>17 provider or do you guys have your own --</p> <p>18 A. It's all internal.</p> <p>19 Q. One you guys -- that the</p> <p>20 company developed itself?</p> <p>21 A. Yes. Excuse me.</p> <p>22 Q. Is there anything that you know</p> <p>23 of within the safety management system</p> <p>24 that's some how very unique to Carver as</p> <p>25 opposed to kind of a generic safety</p>

LEONARD BALDASSARE

April 29, 2025

Page 166	Page 168
<p>1 management system?</p> <p>2 A. No, not to my knowledge.</p> <p>3 Q. Have you ever requested changes</p> <p>4 to the safety management system while you</p> <p>5 were employed by Carver?</p> <p>6 A. No.</p> <p>7 Q. Do you know if there's a</p> <p>8 process for doing that?</p> <p>9 A. I believe there is, yes.</p> <p>10 Q. Do you know of any changes that</p> <p>11 were made to the safety management system</p> <p>12 while you were employed by Carver?</p> <p>13 A. Not to my knowledge.</p> <p>14 Q. If you can turn to -- all these</p> <p>15 pages are numbered at the bottom.</p> <p>16 A. Yes.</p> <p>17 Q. I confess they're not</p> <p>18 necessarily consecutive page numbering, but</p> <p>19 it looks like it's the third page into this</p> <p>20 exhibit. At the top it starts with the</p> <p>21 word, "The 6.12 deckhand." Page 150.</p> <p>22 A. Yes, I got it.</p> <p>23 Q. Okay. Under the operational</p> <p>24 section towards the bottom of the page --</p> <p>25 A. Mm-hmm.</p>	<p>1 lookouts or the circumstances under which a</p> <p>2 lookout should be assigned?</p> <p>3 A. No. Like I said, it would be</p> <p>4 at their own discretion if there was fog or</p> <p>5 rain or lack of visibility.</p> <p>6 Q. And so if you can turn to the</p> <p>7 Section 7.12 on bridge transits.</p> <p>8 A. Okay.</p> <p>9 Q. And it's towards the end.</p> <p>10 A. Shifts 7.12?</p> <p>11 Q. Yes, 7.12 for bridge transits.</p> <p>12 MR. RODGERS: Which page is</p> <p>13 that.</p> <p>14 Q. It's got a big yellow bar</p> <p>15 across the middle of it. The page number</p> <p>16 is 910.</p> <p>17</p> <p>18 MR. RODGERS: 910. Okay. Is</p> <p>19 that near the end or somewhere else.</p> <p>20 MR. CHAPMAN: It's closer to</p> <p>21 the end than the beginning.</p> <p>22 MR. RODGERS: Thank you.</p> <p>23</p> <p>24 A. Okay, I'm here.</p> <p>25 Q. So bridge transits have their</p>
Page 167	Page 169
<p>1 Q. -- the fourth bullet says that</p> <p>2 "One of the deckhands responsibility is to</p> <p>3 assist the master/mate in making bridges."</p> <p>4 How does the deckhand assist the master or</p> <p>5 mate in making bridges?</p> <p>6</p> <p>7</p> <p>8 MR. RODGERS: Objection to</p> <p>9 form. You can answer if you know.</p> <p>10 A. It would just be them going out</p> <p>11 to be on the look out if required or</p> <p>12 needed. But it would be at the master of</p> <p>13 mates discretion if they thought one was</p> <p>14 needed.</p> <p>15 Q. So then the next bullet down</p> <p>16 says, "Standing lookout or riding ahead of</p> <p>17 the tow as a lookout."</p> <p>18 A. Yeah.</p> <p>19 Q. Right?</p> <p>20 A. Essentially the same thing.</p> <p>21 Q. Do the deckhands get any</p> <p>22 training on how to perform those duties?</p> <p>23 A. No, not to my knowledge.</p> <p>24 Q. Do the masters or mates get any</p> <p>25 training on the process of assigning</p>	<p>1 own section in the safety management</p> <p>2 system, right?</p> <p>3 A. Yes.</p> <p>4 Q. And is that because they create</p> <p>5 hazardous navigation situations or at least</p> <p>6 potentially do?</p> <p>7 A. Yes.</p> <p>8 Q. So right in the middle of that</p> <p>9 page there is this kind of yellow or</p> <p>10 orange-ish call out in larger font that</p> <p>11 says, "Under no circumstances shall the</p> <p>12 wheelman responsible for the transit make</p> <p>13 the bridge due to pressure or pride." Do</p> <p>14 you know what that is warning the master or</p> <p>15 the mate of? Like what does that statement</p> <p>16 mean to them?</p> <p>17 A. It means that if you're not</p> <p>18 comfortable transiting through a bridge for</p> <p>19 any circumstance, then do not do so.</p> <p>20 Q. Is there a reason that it's</p> <p>21 like popped out important or highlighted in</p> <p>22 this fashion?</p> <p>23 A. I'm not sure.</p> <p>24 Q. If you look at above</p> <p>25 that -- the section titled "Before The</p>

LEONARD BALDASSARE

April 29, 2025

Page 170	Page 172
<p>1 Transit?"</p> <p>2 A. Yes.</p> <p>3 Q. The second to last bullet says,</p> <p>4 "Necessity of assigning a crew member with</p> <p>5 a radio to the head of the tow." Right?</p> <p>6 A. Yes.</p> <p>7 Q. So if a look out was assigned</p> <p>8 to the head of the tow, it would have to be</p> <p>9 at the front end of the barge, right?</p> <p>10 A. Correct.</p> <p>11 Q. That's what that means?</p> <p>12 A. Yes, the valve of the barge.</p> <p>13 Q. Which is -- this barge is 200</p> <p>14 feet. So it's at least 200 feet away from</p> <p>15 the wheelhouse.</p> <p>16 A. Correct.</p> <p>17 Q. The wheel house sits a little</p> <p>18 back from the bow of the tub, correct?</p> <p>19 A. Yes.</p> <p>20 Q. The only way to communicate</p> <p>21 then is with a handheld radio?</p> <p>22 A. Yes.</p> <p>23 Q. Between the two?</p> <p>24 A. Yes.</p> <p>25 Q. And what would you expect the</p>	<p>1 opinion on it.</p> <p>2 MR. RODGERS: All right. I</p> <p>3 don't want you to give your opinion.</p> <p>4 THE WITNESS: Okay. All right.</p> <p>5 Then I won't answer it.</p> <p>6 Q. If you feel that it's an</p> <p>7 opinion, you should still give it. And you</p> <p>8 can qualify it and say that it's your</p> <p>9 opinion.</p> <p>10 MR. RODGERS: Objection.</p> <p>11 A. I'm just going to go with --</p> <p>12 MR. RODGERS: Don't instruct</p> <p>13 the witness.</p> <p>14 A. -- what James is telling me to</p> <p>15 do.</p> <p>16 Q. So are you going to answer the</p> <p>17 question?</p> <p>18 A. No.</p> <p>19 Q. So you're refusing to answer</p> <p>20 the question?</p> <p>21 MR. RODGERS: No. He's not</p> <p>22 refusing, he's listening to his</p> <p>23 attorney.</p> <p>24 MR. CHAPMAN: So you're --</p> <p>25 MR. RODGERS: What are you</p>
Page 171	Page 173
<p>1 lookout that's assigned to a circumstance</p> <p>2 like that to be on the lookout for?</p> <p>3 MR. RODGERS: Objection to the</p> <p>4 extent he's not here as an expert,</p> <p>5 and he wasn't the master of that</p> <p>6 particular tug at the time.</p> <p>7 So are you asking his opinion?</p> <p>8 MR. CHAPMAN: Well, I didn't</p> <p>9 finish because I was going to ask</p> <p>10 when transiting a bridge. I mean,</p> <p>11 this -- the question only relates to</p> <p>12 putting up post and lookout for a</p> <p>13 bridge transit, okay, which -- you</p> <p>14 know, which is contemplated by this</p> <p>15 bullet.</p> <p>16 A. Okay.</p> <p>17 Q. I'm trying to understand then</p> <p>18 what is the look out in that circumstance</p> <p>19 as expected to look out for?</p> <p>20 MR. RODGERS: Objection -- same</p> <p>21 objection. He's not here as an</p> <p>22 expert. And he wasn't on the</p> <p>23 Mackenzie Rose. You're asking his</p> <p>24 opinion, so if have you an --</p> <p>25 THE WITNESS: I can give my</p>	<p>1 doing, Jim? He's listening to me.</p> <p>2 MR. CHAPMAN: You're</p> <p>3 instructing him not to answer then?</p> <p>4 MR. RODGERS: Yeah. If it's an</p> <p>5 opinion. He's not here as an expert</p> <p>6 and he wasn't on the Mackenzie Rose.</p> <p>7 MR. CHAPMAN: I'm asking about</p> <p>8 the companies safety management</p> <p>9 system, and what the companies</p> <p>10 expectations are or were around that</p> <p>11 language, what is the look out</p> <p>12 supposed to be looking out for during</p> <p>13 a bridge transit.</p> <p>14</p> <p>15</p> <p>16 MR. RODGERS: If you have an</p> <p>17 answer to that as to what the</p> <p>18 company's expectation is that you</p> <p>19 know of, you can answer.</p> <p>20 A. Okay. It would be to make sure</p> <p>21 that the vessel as they are transiting</p> <p>22 through the bridge is doing so safely so</p> <p>23 that there's clearance port and star bird</p> <p>24 overhead, and to make sure that there is no</p> <p>25 traffic or anything like that, that -- you</p>

LEONARD BALDASSARE

April 29, 2025

Page 174	Page 176
<p>1 know, the -- that's also my -- that's my</p> <p>2 opinion. To make sure there's no traffic,</p> <p>3 just to ensure the safety going through the</p> <p>4 bridge.</p> <p>5 Q. And then down under the last</p> <p>6 section titled -- call -- titled "During</p> <p>7 The Transit." The third bullet says, "To</p> <p>8 post lookouts as necessary on the tow."</p> <p>9 Who's that an instruction to?</p> <p>10 A. That would be to either the</p> <p>11 master or the mate who's over on watch.</p> <p>12 Q. Is there a place on any of the</p> <p>13 reporting forms where you record whether a</p> <p>14 lookout was posted?</p> <p>15 A. Not to my knowledge.</p> <p>16 Q. Do you still hold an active</p> <p>17 license?</p> <p>18 A. Yes.</p> <p>19 Q. All right. When does it</p> <p>20 expire?</p> <p>21 A. '27, I think. I just renewed</p> <p>22 it recently.</p> <p>23 Q. Okay. Have you ever transited</p> <p>24 the Southern branch of the Elizabeth River?</p> <p>25 A. No.</p>	<p>1 A. I don't know.</p> <p>2 Q. Do you think it's a good Marine</p> <p>3 practice to have a safety briefing before</p> <p>4 transiting bridges?</p> <p>5 MR. RODGERS: Objection. Don't</p> <p>6 answer that. I'm directing the</p> <p>7 witness not to answer.</p> <p>8 Q. If you could turn to the</p> <p>9 Section 7.9 K titled "Safety Management</p> <p>10 Form." And it starts at Page 194. It</p> <p>11 looks like this. It has a little blue bar</p> <p>12 at the bottom with the number of pages in</p> <p>13 it. It says it's -- first page says, "1 of</p> <p>14 6 pages." It's probably about halfway</p> <p>15 through that document.</p> <p>16 MR. RODGERS: What was the</p> <p>17 Bates Number?</p> <p>18 MR. CHAPMAN: 194.</p> <p>19 MR. RODGERS: 194.</p> <p>20 MR. CHAPMAN: Yes.</p> <p>21 A. 7.9 K, right?</p> <p>22 Q. Yeah.</p> <p>23 A. Yeah, I got it.</p> <p>24 Q. Yeah. So this is apparently a</p> <p>25 section of the safety management plan that</p>
Page 175	Page 177
<p>1 Q. So you're not familiar how the</p> <p>2 bridges are set up or laid out in that</p> <p>3 navigational area?</p> <p>4 A. No, I'm not.</p> <p>5 Q. They would be marked on a</p> <p>6 chart, correct?</p> <p>7 A. They would be, yes.</p> <p>8 Q. The Section 7.12 in the middle,</p> <p>9 right under that section that's highlighted</p> <p>10 it's titled "Safety Briefing."</p> <p>11 A. Yes.</p> <p>12 Q. It says that, "As with any</p> <p>13 operation, the captain responsible for</p> <p>14 transit should brief the crew and the crew</p> <p>15 of any assist/tag boats on the plan</p> <p>16 transit." That does -- that's not</p> <p>17 mandatory is it, just say "should be?"</p> <p>18 A. Is what, mandatory assist</p> <p>19 boats?</p> <p>20 Q. No. The safety briefing. It</p> <p>21 says, "Should brief the crew." That's not</p> <p>22 mandatory, is it?</p> <p>23 A. No.</p> <p>24 Q. Is there any reason why it's</p> <p>25 not mandatory?</p>	<p>1 actually covers a segment of, I'll call it</p> <p>2 the Intercostal waterway, but basically</p> <p>3 Norfolk and Virginia and the southern</p> <p>4 branch of the Elizabeth River, correct?</p> <p>5 A. Yes.</p> <p>6 Q. And it's got a few bridges that</p> <p>7 are identified in it and some general notes</p> <p>8 on the last couple of pages, right? Do you</p> <p>9 see that?</p> <p>10 A. Yes.</p> <p>11 Q. So the first bridge that's</p> <p>12 identified in this section is the Norfolk</p> <p>13 and Portsmouth Belt Line Railroad Bridge,</p> <p>14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. Is this document one that</p> <p>17 should be consulted before transiting</p> <p>18 bridges or before transiting this bridge?</p> <p>19 A. Yes.</p> <p>20 Q. And do you know whether there</p> <p>21 were any of the bridges that were transited</p> <p>22 when they got underway on this voyage</p> <p>23 before they arrived at the Norfolk and</p> <p>24 Portsmouth Belt Line Railroad Bridge?</p> <p>25 A. Was there any other bridges?</p>

LEONARD BALDASSARE

April 29, 2025

<p style="text-align: right;">Page 178</p> <p>1 Q. Yeah.</p> <p>2 A. Oh, I don't know.</p> <p>3 Q. Yeah. And you didn't ask the</p> <p>4 crew whether there were other bridges that</p> <p>5 they had made?</p> <p>6 A. No.</p> <p>7 Q. Okay. Did you consult this</p> <p>8 section of the safety management system as</p> <p>9 part of your investigation?</p> <p>10 A. No.</p> <p>11 Q. If you could turn to Section</p> <p>12 7.16 on lookouts. The number of that page</p> <p>13 is Carver 000155, but it's -- it is towards</p> <p>14 the end of the collection of sections --</p> <p>15 A. Oh, because it's not in order,</p> <p>16 right?</p> <p>17 Q. Yeah.</p> <p>18 A. Okay. So zero -- what is it,</p> <p>19 155?</p> <p>20 Q. Yeah. It's just one page, it</p> <p>21 looks like this.</p> <p>22 A. Got it.</p> <p>23 Q. So this is the section of the</p> <p>24 safety management system on the lookouts,</p> <p>25 correct?</p>	<p style="text-align: right;">Page 180</p> <p>1 form.</p> <p>2 A. I'm not sure. Again, I'm</p> <p>3 not -- I didn't write this, so I don't</p> <p>4 know.</p> <p>5 Q. This is intended as guidance</p> <p>6 though to the master or mate on watch</p> <p>7 regarding considerations for posting a</p> <p>8 lookout though, right?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. So that's my question</p> <p>11 is, whether you wrote it or not, is a</p> <p>12 bridge a danger to navigation?</p> <p>13 MR. RODGERS: Objection. He's</p> <p>14 not here as an expert. And you're</p> <p>15 supposed to premise the questions not</p> <p>16 as an expert. You haven't done that</p> <p>17 all day, okay? So I'm going to tell</p> <p>18 him not to answer. I'm going to</p> <p>19 direct him not to answer anything</p> <p>20 that asks for his opinion.</p> <p>21 MR. CHAPMAN: You're</p> <p>22 instructing the witness not to answer</p> <p>23 the question?</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 179</p> <p>1 A. Yes, correct.</p> <p>2 Q. In the first part under</p> <p>3 requirements for a look out it -- there's a</p> <p>4 half a dozen bullets of things that should</p> <p>5 be considered as relevant factors in</p> <p>6 deciding whether they're supposed to</p> <p>7 lookout, correct?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. Weather visibility,</p> <p>10 traffic density and then it says,</p> <p>11 "Proximity of dangers to navigation." What</p> <p>12 are dangers to navigation --</p> <p>13</p> <p>14 MR. RODGERS: Objection to</p> <p>15 form.</p> <p>16 Q. -- that would require the</p> <p>17 posting of a lookout?</p> <p>18 MR. RODGERS: Objection to</p> <p>19 form. He's not here as an expert.</p> <p>20 A. Yeah. I'm not sure what they</p> <p>21 would qualify as proximity to dangerous</p> <p>22 allegation.</p> <p>23 Q. Would a bridge transit?</p> <p>24 MR. RODGERS: Objection to</p> <p>25</p>	<p style="text-align: right;">Page 181</p> <p>1 MR. RODGERS: Yes, I am. I</p> <p>2 just said that.</p> <p>3 Q. And then under procedures, it</p> <p>4 says, "A look out should be added when</p> <p>5 necessary to." And the second bullet is,</p> <p>6 "To apprise the situation and the risk of</p> <p>7 collision/ allision," right?</p> <p>8 A. Yes.</p> <p>9 Q. So the tug while pushing the</p> <p>10 barge elided with the bridge, right?</p> <p>11 A. Yeah.</p> <p>12 MR. RODGERS: Can you repeat</p> <p>13 that?</p> <p>14 MR. CHAPMAN: I said --</p> <p>15 MR. RODGERS: Hold on, let me</p> <p>16 go to this.</p> <p>17 MR. CHAPMAN: I said, the tug,</p> <p>18 Mackenzie Rose --</p> <p>19 MR. RODGERS: I said, "Can you</p> <p>20 repeat this? "Are you going to</p> <p>21 repeat it.</p> <p>22 MR. CHAPMAN: I am.</p> <p>23 MR. RODGERS: Okay.</p> <p>24 MR. CHAPMAN: The tug Mackenzie</p> <p>25 Rose while pushing the Weeks 281 on</p>

LEONARD BALDASSARE

April 29, 2025

<p style="text-align: right;">Page 182</p> <p>1 June 15th, 2024 elided with the</p> <p>2 bridge.</p> <p>3 MR. RODGERS: To his knowledge?</p> <p>4 To his knowledge.</p> <p>5 MR. CHAPMAN: Well --</p> <p>6 MR. RODGERS: He's a fact</p> <p>7 witness.</p> <p>8 MR. CHAPMAN: Exactly, and I'm</p> <p>9 asking him, did it?</p> <p>10 MR. RODGERS: To his</p> <p>11 knowledge --</p> <p>12 MR. CHAPMAN: Did it?</p> <p>13 MR. RODGERS: -- you're asking</p> <p>14 him for a legal conclusion.</p> <p>15 MR. CHAPMAN: No.</p> <p>16 MR. RODGERS: Yeah, you are.</p> <p>17 Q. At any time while you were</p> <p>18 employed by Carver, did you learn that the</p> <p>19 tug boat while pushing the weeks 281 elided</p> <p>20 with the Norfolk and Portland Belt Line</p> <p>21 Bridge on June 15th, 2024?</p> <p>22 MR. RODGERS: You can answer</p> <p>23 that.</p> <p>24 A. Yes.</p> <p>25 Q. So back to --</p>	<p style="text-align: right;">Page 184</p> <p>1 MR. RODGERS: Objection. It</p> <p>2 calls for expert testimony and</p> <p>3 interpretation of a statute.</p> <p>4 Just -- I'm going to direct the</p> <p>5 witness not to answer.</p> <p>6 Q. Are you aware of any statute</p> <p>7 that governs the posting of a lookout when</p> <p>8 entering a port channel, or a waterway</p> <p>9 intersection?</p> <p>10 MR. RODGERS: Objection. You</p> <p>11 can answer if you're aware or not</p> <p>12 aware.</p> <p>13 A. No, I'm not aware.</p> <p>14 Q. So as far as you know, there's</p> <p>15 not a statute that would require posting a</p> <p>16 lookout in either of those</p> <p>17 circumstances --</p> <p>18 MR. RODGERS: Objection.</p> <p>19 Q. -- correct?</p> <p>20 MR. RODGERS: Mischaracterizes</p> <p>21 testimony.</p> <p>22 Q. If I mischaracterize it, you</p> <p>23 can correct me.</p> <p>24 A. Can you repeat the question,</p> <p>25 I'm not sure what you're asking me?</p>
<p style="text-align: right;">Page 183</p> <p>1 THE REPORTER: Can you just</p> <p>2 speak a little louder? Sorry.</p> <p>3 Q. Back to the safety management</p> <p>4 system 7.16 on lookout under procedures.</p> <p>5 It says, "A lookout should be added when</p> <p>6 necessary to."</p> <p>7 And then I'm looking at the</p> <p>8 second bullet, "Apprise the situation and</p> <p>9 the risk of collision/elision." See that?</p> <p>10 A. Yeah, I see it.</p> <p>11 Q. So a lookout could have been</p> <p>12 posted to arise -- to appraise of the risk</p> <p>13 of an allision with the bridge, correct?</p> <p>14 MR. RODGERS: Objection. Don't</p> <p>15 answer that. Directing the witness</p> <p>16 not to answer that question as it's</p> <p>17 calling for expert testimony.</p> <p>18 Q. The last part of that section</p> <p>19 on procedure says, "A lookout shall be</p> <p>20 added when entering any port channel, or</p> <p>21 any waterway intersection." What is meant</p> <p>22 by a port channel -- when entering a port</p> <p>23 channel, or anyway waterway intersection?</p> <p>24 What does that mean?</p> <p>25</p>	<p style="text-align: right;">Page 185</p> <p>1 Q. Yeah. I -- what I said was, so</p> <p>2 there's not a regulation or law that you're</p> <p>3 aware of that mandates posting a lookout</p> <p>4 when entering a port channel, or when</p> <p>5 entering a waterway intersection?</p> <p>6 A. Oh, no, not to my knowledge.</p> <p>7 Q. Okay. If you could turn to</p> <p>8 Section 9.5, which is after 7.12, got a</p> <p>9 sort of big orange call out at the top?</p> <p>10 A. Yep.</p> <p>11 Q. Starting on Page 163. In that</p> <p>12 call out titled "Reporting Priorities"</p> <p>13 there's two things that the master is</p> <p>14 obligated to do. First, "To notify the</p> <p>15 office as soon as practical after a marine</p> <p>16 casualty," right?</p> <p>17 A. Yes.</p> <p>18 Q. And in the circumstance of this</p> <p>19 allision, Captain Miller called you after</p> <p>20 they reportedly made contact with the</p> <p>21 fender system, right?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And then second, it</p> <p>24 says, "The master will notify the nearest</p> <p>25 Coast Guard unit as soon as practical after</p>

LEONARD BALDASSARE

April 29, 2025

Page 186	Page 188
<p>1 a marine casualty."</p> <p>2 To your knowledge, during the</p> <p>3 course of your investigation, Captain</p> <p>4 Miller never contacted the Coast Guard, did</p> <p>5 he?</p> <p>6 A. No, not to my knowledge.</p> <p>7 Q. Regarding the allision?</p> <p>8 A. Right.</p> <p>9 Q. Did you ever tell Captain</p> <p>10 Miller that you were contacting the Coast</p> <p>11 Guard?</p> <p>12 A. No.</p> <p>13 Q. Did you ever tell him that</p> <p>14 Brian Moore was contacting the Coast Guard?</p> <p>15 A. No.</p> <p>16 Q. Did you ever tell him that it</p> <p>17 was okay to leave -- because you had</p> <p>18 contacted the Coast Guard?</p> <p>19 A. No, I did not.</p> <p>20 Q. Did you ever say to him in</p> <p>21 words or substance that you had contacted</p> <p>22 the Coast Guard and that they had said it</p> <p>23 was okay to leave?</p> <p>24 A. No, I did not.</p> <p>25 Q. In your safety management</p>	<p>1 A. Yes.</p> <p>2 Q. Okay. So is there any</p> <p>3 circumstance in the context of this</p> <p>4 regulation that you know of where you don't</p> <p>5 have to report an unintended allision with</p> <p>6 the bridge --</p> <p>7 MR. RODGERS: Objection.</p> <p>8 Q. -- immediately to the Coast</p> <p>9 Guard?</p> <p>10 MR. RODGERS: Objection to the</p> <p>11 term "allision with the bridge."</p> <p>12 It's not consistent with his</p> <p>13 testimony as to what he knew.</p> <p>14 A. As far as I knew they landed on</p> <p>15 the fenders inside of the bridge.</p> <p>16 Q. And that's not an allision?</p> <p>17 A. That's not an allision.</p> <p>18 Q. Contact with affixed object is</p> <p>19 not an allision?</p> <p>20 MR. RODGERS: He didn't say</p> <p>21 that.</p> <p>22 A. That's not what I'm saying,</p> <p>23 just saying they --</p> <p>24 Q. What are you saying then?</p> <p>25 A. -- they slid through the</p>
Page 187	Page 189
<p>1 system regarding accident and incident</p> <p>2 reporting, the system recites regulations</p> <p>3 out of 46 CFR. Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. And if you go to the next page,</p> <p>6 about two thirds on the way down, there is</p> <p>7 a heading called "Notice of Marine Casualty</p> <p>8 46 CFR 4.05-1?"</p> <p>9 A. Yes.</p> <p>10 Q. Okay. In Section A -- I'm</p> <p>11 going to focus on Section A and Subsection</p> <p>12 1. So just follow along with me.</p> <p>13 A. Okay.</p> <p>14 Q. Section A says, "Immediately</p> <p>15 after addressing the result and safety</p> <p>16 concerns, the owner, agent, master,</p> <p>17 operator or person in charge shall notify</p> <p>18 the nearest sector office, Marine</p> <p>19 Inspection Office or Coast Guard Group</p> <p>20 office whenever a vessel is involved in a</p> <p>21 Marine casualty, consisting in Subsection</p> <p>22 1.</p> <p>23 An unintended grounding for an</p> <p>24 unintended strike of forensic "allision"</p> <p>25 with a bridge?" Did I read that correctly?</p>	<p>1 fenders.</p> <p>2 Q. Without contacting them?</p> <p>3 A. From what they told me.</p> <p>4 Q. They did not contact the</p> <p>5 fender?</p> <p>6 A. They told me that they slid</p> <p>7 through the fendering system.</p> <p>8 Q. So does that mean they</p> <p>9 contacted the fender?</p> <p>10 A. I don't know. I wasn't there.</p> <p>11 Q. Well, you were having a</p> <p>12 conversation with Captain Miller at</p> <p>13 the -- literally the point in time when</p> <p>14 this happened, right?</p> <p>15 A. Yes.</p> <p>16 Q. And when he said to you that</p> <p>17 they slid through the fenders, what did you</p> <p>18 understand that to mean? That they had</p> <p>19 contacted it or not contacted it?</p> <p>20 A. I'm not sure because he didn't</p> <p>21 really specify.</p> <p>22 Q. You didn't think it was your</p> <p>23 obligation to be certain what had actually</p> <p>24 happened in the conversation you had with</p> <p>25 him?</p>

LEONARD BALDASSARE

April 29, 2025

<p style="text-align: right;">Page 190</p> <p>1 MR. RODGERS: Objection to</p> <p>2 form.</p> <p>3 A. In the moment no. We were just</p> <p>4 trying to figure exactly what happened.</p> <p>5 Q. And when did you learn that</p> <p>6 they said they had actually contacted the</p> <p>7 fender system of that bridge?</p> <p>8 A. I don't really recall the exact</p> <p>9 day and time.</p> <p>10 Q. But it wasn't on June 15th of</p> <p>11 2024 is what you're saying?</p> <p>12 A. No. Not that they had struck</p> <p>13 the bridge, no.</p> <p>14 Q. Okay. So is it your</p> <p>15 perspective that Captain Miller lied to</p> <p>16 you?</p> <p>17 MR. RODGERS: Objection to</p> <p>18 form.</p> <p>19 A. What'd you say? I don't -- I'm</p> <p>20 not going to call him a liar. I'm just</p> <p>21 going off of what he told me.</p> <p>22 Q. Have you seen a photograph of</p> <p>23 the actual damage to the bridge?</p> <p>24 A. No.</p> <p>25 Q. Never?</p>	<p style="text-align: right;">Page 192</p> <p>1 MR. RODGERS: Objection to</p> <p>2 form. You can answer if --</p> <p>3 A. I didn't think that it was</p> <p>4 necessary to reference this.</p> <p>5 Q. Did you even know of it's</p> <p>6 existence?</p> <p>7 A. Yes.</p> <p>8 Q. But you didn't think that it</p> <p>9 was required to review it or follow it?</p> <p>10 MR. RODGERS: Objection to</p> <p>11 form.</p> <p>12 A. Yes.</p> <p>13 Q. Just so I'm clear what your</p> <p>14 answer means, you mean -- you're saying</p> <p>15 what I stated was correct?</p> <p>16 A. Correct.</p> <p>17 Q. Near the top of the flow chart</p> <p>18 in kind of a light green color it says,</p> <p>19 "File SMF 9.2 near miss report?"</p> <p>20 A. Yes.</p> <p>21 Q. Do you know what SMF stands</p> <p>22 for?</p> <p>23 A. I do not.</p> <p>24 Q. Could it be safety management</p> <p>25 form?</p>
<p style="text-align: right;">Page 191</p> <p>1 A. Never.</p> <p>2 Q. The only photograph you've seen</p> <p>3 of the bridge is the one that was texted to</p> <p>4 you within the hour after Captain Miller</p> <p>5 first reported it to you?</p> <p>6 A. Yes.</p> <p>7 Q. And no others?</p> <p>8 A. No, no others.</p> <p>9 Q. If you could turn to Page 166.</p> <p>10</p> <p>11</p> <p>12 MR. RODGERS: Carver 166.</p> <p>13 MR. CHAPMAN: Yeah.</p> <p>14 Q. That's in Exhibit 4. It's</p> <p>15 a -- looks like a flow chart of some</p> <p>16 sort --</p> <p>17 A. Sure.</p> <p>18 Q. -- related to accident or</p> <p>19 incident reporting?</p> <p>20 A. Yes.</p> <p>21 Q. Did you consult this at all</p> <p>22 when you were investigating the allision</p> <p>23 with the bridge?</p> <p>24 A. No.</p> <p>25 Q. Why not?</p>	<p style="text-align: right;">Page 193</p> <p>1 MR. RODGERS: Objection to</p> <p>2 form. You can answer if you</p> <p>3 understand.</p> <p>4 A. It could be, yes.</p> <p>5 MR. RODGERS: But don't guess.</p> <p>6 Q. And then at the bottom in red,</p> <p>7 the mandate is kind of at the bottom of the</p> <p>8 flow chart, to fill to out an SMF 9.5</p> <p>9 incident report, correct?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And to your knowledge</p> <p>12 was an SMF 9.5 incident report prepared for</p> <p>13 the incident involving the allision with</p> <p>14 the Belt Line Bridge?</p> <p>15 A. I do not know if one was.</p> <p>16 Q. If you could turn to Page 168.</p> <p>17 Do you see the red box on that flow chart</p> <p>18 it says, "Designated person assumes</p> <p>19 position as emergency response coordinator</p> <p>20 for life of incident?"</p> <p>21 A. Yes.</p> <p>22 Q. Who is Carver's designated</p> <p>23 person in the safety management system?</p> <p>24</p> <p>25</p>

LEONARD BALDASSARE

April 29, 2025

Page 194	Page 196
<p>1 MR. RODGERS: At that time.</p> <p>2 MR. CHAPMAN: Yeah.</p> <p>3 A. I believe it was Brian Moore.</p> <p>4 Q. Were there any alternates?</p> <p>5 A. I don't know, I would have to</p> <p>6 go back and look. I don't recall.</p> <p>7 Q. And is that contained somewhere</p> <p>8 in the safety management system, that</p> <p>9 designation?</p> <p>10 A. Yes.</p> <p>11 Q. And if you turn to Page 169.</p> <p>12 This is another flow chart on -- it appears</p> <p>13 to relate to filling out the Coast Guard</p> <p>14 form 2692, correct?</p> <p>15 A. Correct.</p> <p>16 Q. And it says, "A vessel accident</p> <p>17 must be reported if it occurs upon the</p> <p>18 Naval waters of the United States. It's</p> <p>19 territories or possessions or wherever an</p> <p>20 accident involves a U.S. vessel, wherever</p> <p>21 the accident may occur. And the accident</p> <p>22 must also involve one or more of the</p> <p>23 following."</p> <p>24 And the very first item</p> <p>25 under -- on this flow chart, Number 1, is</p>	<p>1 A. Correct.</p> <p>2 Q. And presumably that was</p> <p>3 submitted to the Coast Guard?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And then it says here</p> <p>6 right after that C Section 6. Do you know</p> <p>7 what Section 6 is?</p> <p>8 A. Assuming it's Section 6 in the</p> <p>9 SMS or safety management system.</p> <p>10 Q. Okay. When you were employed</p> <p>11 by Carver as Port Captain, do you know</p> <p>12 whether new crew personnel were given any</p> <p>13 specific training on transiting bridges</p> <p>14 with narrow channels?</p> <p>15 A. To my knowledge, no.</p> <p>16 Q. As part of people, you know,</p> <p>17 taking on a new -- a crew position, getting</p> <p>18 hired for a crew position on one of your</p> <p>19 tugs while you were at harbor, did the</p> <p>20 company provide any, I don't know, deckhand</p> <p>21 manual, master's manual, some book that</p> <p>22 had, you know, instructions regarding</p> <p>23 navigation, or bridge transit, or vessel</p> <p>24 safety, that sort of thing?</p> <p>25 A. Just what was in the SMS that</p>
Page 195	Page 197
<p>1 "An unintended grounding or an unintended</p> <p>2 strike of "allision with" the bridge."</p> <p>3 A. Yes.</p> <p>4 Q. If you had learned that the tug</p> <p>5 while pushing the barge 281 had damaged the</p> <p>6 bridge, that has hit it in a way that</p> <p>7 damaged it, it hit the bridge, would you</p> <p>8 agree that a 2692 would need to be filled</p> <p>9 with the Coast Guard?</p> <p>10 MR. RODGERS: Objection. Calls</p> <p>11 for speculation. You can answer if</p> <p>12 you can.</p> <p>13 A. Yes.</p> <p>14 Q. You agree?</p> <p>15 A. Yes.</p> <p>16 Q. And at the bottom there's a</p> <p>17 heading called "Drug and Alcohol Testing?"</p> <p>18 A. Yep.</p> <p>19 Q. It says, "Any serious marine</p> <p>20 incident will require drug and alcohol</p> <p>21 testing of all individuals directly</p> <p>22 involved."</p> <p>23 You signed a form that there</p> <p>24 had been no drug and alcohol testing for</p> <p>25 this allision, correct?</p>	<p>1 everyone had access too on the vessel.</p> <p>2 Q. So nothing else though?</p> <p>3 A. To my knowledge, no.</p> <p>4 Q. And the SMS, how do you access</p> <p>5 that on the Mackenzie Rose?</p> <p>6 A. Like I said earlier, you would</p> <p>7 go onto the boat computer, go into Helm and</p> <p>8 then there would be a section to access the</p> <p>9 SMS electronically and also again, download</p> <p>10 the whole PDF, if you wanted to.</p> <p>11 Q. Okay. And do you know if</p> <p>12 there's a copy of the SMS that is aboard</p> <p>13 the Mackenzie Rose that is a, you know,</p> <p>14 hard copy?</p> <p>15 A. Just the electronic ones.</p> <p>16 Q. And that laptop, is it located</p> <p>17 in the wheelhouse?</p> <p>18 A. Yes.</p> <p>19 Q. But anybody can log into it and</p> <p>20 look at the SMS?</p> <p>21 A. Yes.</p> <p>22 Q. Do you know while you were, you</p> <p>23 know, Port Captain for Carver, whether</p> <p>24 there was any ongoing training or guidance</p> <p>25 on how to safely transit bridges with</p>

LEONARD BALDASSARE

April 29, 2025

Page 198	Page 200
<p>1 barges?</p> <p>2 A. To my knowledge, I don't know</p> <p>3 of any, no.</p> <p>4 Q. Was there any ongoing training</p> <p>5 that was focused specifically on lookout</p> <p>6 duties or the circumstances under which</p> <p>7 somebody should be posted as a lookout to</p> <p>8 the head end of the barge?</p> <p>9 A. To my knowledge, no. There</p> <p>10 was --</p> <p>11 Q. Is the only guidance or</p> <p>12 operating procedure, if I can call it that,</p> <p>13 regarding the transiting of bridges</p> <p>14 contained in Section 7.12 of the safety</p> <p>15 management system --</p> <p>16 MR. RODGERS: To his knowledge.</p> <p>17 MR. CHAPMAN: Yeah, to his</p> <p>18 knowledge.</p> <p>19 A. To my knowledge, yes.</p> <p>20 Q. It's not like there's a book</p> <p>21 sitting on the shelf somewhere at the</p> <p>22 company's office that says "How to safely</p> <p>23 transit bridges?"</p> <p>24 A. No.</p> <p>25 Q. Okay. Is there any specific</p>	<p>1 autopilot system, let's start there?</p> <p>2 A. From sailing, experience, I was</p> <p>3 shown by a captain. I was -- before I</p> <p>4 became a full -- like a cut loose mate, I</p> <p>5 was a training mate. So I sailed as an</p> <p>6 extra wheelhouse personnel for six months.</p> <p>7 Kind of learned all the operating systems.</p> <p>8 Q. On-the-job training?</p> <p>9 A. Correct.</p> <p>10 Q. Are there any manuals regarding</p> <p>11 the use of the autopilot system?</p> <p>12 A. Yes. There's manuals on board</p> <p>13 the vessel.</p> <p>14 Q. Have you actually seen the</p> <p>15 manual for the autopilot system on the</p> <p>16 McKenzie Rose when you were employed by</p> <p>17 Carver?</p> <p>18 A. Yes, I have. When the new</p> <p>19 system was installed, the manual was left</p> <p>20 on board for anyone to reference on the</p> <p>21 boat.</p> <p>22 Q. And that would've been by</p> <p>23 whoever the technician was that installed</p> <p>24 it?</p> <p>25 A. Correct.</p>
Page 199	Page 201
<p>1 training provided to the crew about the</p> <p>2 proper use of an autopilot system on the</p> <p>3 company's vessels?</p> <p>4 A. No. Anything related to the</p> <p>5 autopilot would be referenced in the safety</p> <p>6 management system.</p> <p>7 Q. So there maybe a section on the</p> <p>8 autopilot system, it's just -- we don't</p> <p>9 have it as part of that collection --</p> <p>10 A. Correct.</p> <p>11 Q. -- in Exhibit 4, right?</p> <p>12 A. Correct.</p> <p>13 Q. How are masters, or mates, you</p> <p>14 know, the officer of the watch, expected to</p> <p>15 know how to appropriately use the autopilot</p> <p>16 system?</p> <p>17 MR. RODGERS: Sorry,</p> <p>18 could -- let me just read that from</p> <p>19 the computer.</p> <p>20 I'm going to object as to form.</p> <p>21 You can answer if you understand it</p> <p>22 or know it.</p> <p>23 A. It's -- I don't really know how</p> <p>24 to answer it.</p> <p>25 Q. How did you learn how to use an</p>	<p>1 Q. Was there any training for that</p> <p>2 new system that was specifically provided</p> <p>3 to your knowledge?</p> <p>4 A. To my knowledge, no.</p> <p>5 Q. So the manual served as kind of</p> <p>6 a reference if they want to look something</p> <p>7 up or need to look something up?</p> <p>8 A. Yes.</p> <p>9</p> <p>10</p> <p>11 MR. RODGERS: Objection to</p> <p>12 form. You can answer.</p> <p>13 A. Yes.</p> <p>14 Q. Did -- have you ever reviewed</p> <p>15 that autopilot manual for the new</p> <p>16 autopilots that were installed on the</p> <p>17 Mackenzie Rose while you were with Carver?</p> <p>18 A. No.</p> <p>19 MR. RODGERS: Do you want some</p> <p>20 coffee, Jim? There's new coffee.</p> <p>21 MR. CHAPMAN: Did they bring</p> <p>22 some?</p> <p>23 MR. RODGERS: Yeah, they did.</p> <p>24 MR. CHAPMAN: Yeah. Could we</p> <p>25 just take a five-minute break?</p>

LEONARD BALDASSARE

April 29, 2025

Page 202	Page 204
1 MR. RODGERS: Yeah.	1 Q. On the boat, at the time of the
2 MR. CHAPMAN: Would be okay?	2 allision?
3 MR. RODGERS: Yeah, no, that's	3 MR. RODGERS: You can answer.
4 good.	4 A. It was Captain Morrissey who
5 MR. CHAPMAN: Okay.	5 was on watch, yeah.
6 MR. RODGERS: I thought you saw	6 Q. Yeah. So he was on watch.
7 the guy come in.	7 What I'm asking is whether there was a
8 MR. CHAPMAN: No.	8 second person that was providing any kind
9 THE VIDEOGRAPHER: We are going	9 of lookout with respect to the transit at
10 off the record. The time is	10 the time of the allision?
11 2:56 p.m.	11 MR. RODGERS: As far as he
12 (Whereupon, a short recess was	12 knows from his investigation.
13 taken.)	13 MR. CHAPMAN: Yeah, exactly.
14 THE VIDEOGRAPHER: Beginning	14 A. As far as I know, no.
15 Media Number 4. We are back on the	15 Q. And as far as you know, when
16 record. The time is 3:03 p.m.	16 you were employed by Carver, there was no
17 Q. Mr. Baldassare, during the	17 requirement by Carver that more than one
18 course of your investigation between the	18 person served as the lookout when
19 statements that you received and the	19 transiting bridges, correct?
20 interviews you conducted of the crew, did	20
21 you learn that the captain was the only one	21 MR. RODGERS: Objection. He's
22 who was working as a lookout at the time of	22 not here as an expert. You can
23 the allision?	23 answer if you understand the
24 A. Yes.	24 question.
25 MR. RODGERS: You mean	25 A. To my knowledge, no, there was
Page 203	Page 205
1 Morrissey?	1 no policy or requirement.
2 MR. CHAPMAN: Yeah, Captain	2 Q. Are you aware of any best
3 Morrissey.	3 practices in the towing industry that would
4	4 require posting a lookout at the head end
5 MR. RODGERS: Well, he was	5 of the barge during a bridge transit?
6 at -- okay.	6 MR. RODGERS: Could you define
7 Q. He was the officer on the	7 best practices.
8 watch, right?	8 MR. CHAPMAN: I'm just asking
9 A. Yes.	9 him.
10 Q. Yeah. And that's because the	10 MR. RODGERS: That's a kind of
11 other deckhand that was on duty at the time	11 a corporate term. But if you
12 was --	12 understand it, you can go ahead.
13 MR. RODGERS: Objection.	13 A. Yes.
14 Q. -- down in the galley, right?	14 Q. And are you aware of any best
15 MR. RODGERS: No. Objection.	15 practices in the towing industry that
16 That's not the testimony in this	16 recommend disengaging the autopilot when
17 case.	17 transiting near a fixed object like a
18 Q. I'm just asking what you	18 bridge?
19 learned in the investigation?	19 MR. RODGERS: Objection to
20 A. I'm not sure where the other	20 form. He's not here as an expert.
21 deckhand was at the time.	21 You can answer as to what you
22 Q. Well, was there more than one	22 know.
23 pair of eyes keeping an eye out on the	23 A. Yes, I'm aware.
24 transit of the vessel?	24 Q. And there are?
25 MR. RODGERS: Objection.	25 A. There are, yes.

LEONARD BALDASSARE

April 29, 2025

Page 206	Page 208
<p>1 Q. Can an autopilot system make</p> <p>2 course corrections?</p> <p>3 MR. RODGERS: Objection. He's</p> <p>4 not here as an expert on autopilot</p> <p>5 systems.</p> <p>6 A. Yeah, I don't --</p> <p>7</p> <p>8 MR. RODGERS: You can as to</p> <p>9 your knowledge.</p> <p>10 A. To my knowledge, I'm not sure.</p> <p>11 I'm not a -- I don't -- I'm not sure.</p> <p>12 Q. Is there any autopilot system</p> <p>13 that you've ever used that's capable of</p> <p>14 making its own course corrections?</p> <p>15 MR. RODGERS: Objection to</p> <p>16 form. You can answer as to your</p> <p>17 knowledge.</p> <p>18 A. No. It would -- you would set</p> <p>19 the course that you wanted and it would</p> <p>20 hold that course.</p> <p>21 Q. It would endeavor to stay on</p> <p>22 that course?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. But if you want to</p> <p>25 change it, it has to be done manually?</p>	<p>1 A. Closest point of approach.</p> <p>2 Q. Okay. And did you find out</p> <p>3 during your investigation what had been set</p> <p>4 as the closest point of approach for the</p> <p>5 radars for some notification?</p> <p>6 A. I did not.</p> <p>7 Q. Do you know whether there was</p> <p>8 any CPA that was set?</p> <p>9 A. I do not. They do not tell me.</p> <p>10 I know the radar was operational from what</p> <p>11 they told me.</p> <p>12 THE REPORTER: And you said</p> <p>13 CPA, right?</p> <p>14 THE WITNESS: Yes.</p> <p>15 MR. CHAPMAN: I don't think I</p> <p>16 have any further questions at this</p> <p>17 time. Based on what the judge said</p> <p>18 though I'm reserving my rights with</p> <p>19 respect to anything you guys</p> <p>20 produce --</p> <p>21 MR. RODGERS: Yeah.</p> <p>22 MR. CHAPMAN: -- as ordered last</p> <p>23 week.</p> <p>24 MR. RODGERS: I just ask that</p> <p>25 we -- if possible we do it -- if any</p>
Page 207	Page 209
<p>1 A. Yes.</p> <p>2 Q. As part of the -- your</p> <p>3 investigation, did you ever determine</p> <p>4 whether the radar was in use on the vessel</p> <p>5 at the time of the allision?</p> <p>6 A. Yes, the radar was in use.</p> <p>7 Q. And would a radar indicate a</p> <p>8 fixed object like a bridge?</p> <p>9 A. Yes.</p> <p>10 Q. I figured the answer was yes.</p> <p>11 MR. CHAPMAN: Sorry, made you</p> <p>12 choke there Mr. Rodgers.</p> <p>13 A. Yes, it would. I didn't know</p> <p>14 if it was a trick question.</p> <p>15 Q. Okay. The radars on the</p> <p>16 Mackenzie Rose, did they provide any</p> <p>17 warning associated with the approach to a</p> <p>18 fixed object?</p> <p>19 A. They would have to set their</p> <p>20 own CPA if they wanted to be alerted.</p> <p>21 Q. Like how far out?</p> <p>22 A. Correct.</p> <p>23 Q. What does CTA stand for?</p> <p>24 A. CPA?</p> <p>25 Q. CPA.</p>	<p>1 follow up with this witness, we do by</p> <p>2 Zoom or here in New York with me</p> <p>3 representing him if you want to do it</p> <p>4 from Norfolk --</p> <p>5 Q. We will do our best to</p> <p>6 accommodate that. Okay. I mean that, I</p> <p>7 don't know how it'll work out, but I don't</p> <p>8 want to make it difficult, you know. And</p> <p>9 we may not need to re-depose you, okay, to</p> <p>10 ask you more questions. But if we do,</p> <p>11 we'll make those arrangements.</p> <p>12 THE REPORTER: And Counsel, do</p> <p>13 you want this expedited and/or, I</p> <p>14 know you wanted a rough, but do you</p> <p>15 want it expedited as well for the</p> <p>16 final --</p> <p>17 MR. RODGERS: No. But I have a</p> <p>18 couple of questions.</p> <p>19 MR. CHAPMAN: Yeah.</p> <p>20 EXAMINATION BY</p> <p>21 MR. RODGERS:</p> <p>22 Q. So Mr. Baldassare, training of</p> <p>23 the crew on any particular tug boat is done</p> <p>24 by the captain, right?</p> <p>25 A. Yes, sir.</p>

LEONARD BALDASSARE

April 29, 2025

Page 210	Page 212
<p>1 Q. Or the captain is supervising</p> <p>2 training, correct?</p> <p>3 A. Yes.</p> <p>4 Q. And that would include any</p> <p>5 training for lookouts, correct?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And it's the captain of the tug</p> <p>8 when they're on the way that makes the sole</p> <p>9 decision to have a lookout?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And any instructions</p> <p>12 that lookout or a particular watch that the</p> <p>13 lookout is standing, would that generally</p> <p>14 come from the captain?</p> <p>15 A. Yes.</p> <p>16 Q. To your knowledge?</p> <p>17 A. To my knowledge, yes.</p> <p>18 Q. Okay, and your experience?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Okay. Now, if you could go</p> <p>21 to -- well, before you go to anything, I</p> <p>22 got a few questions.</p> <p>23 In your investigation, did you</p> <p>24 determine which bridge Mate Morrissey was</p> <p>25 on at the time of the incident?</p>	<p>1 form.</p> <p>2 A. Yes.</p> <p>3 Q. It's above the barge, correct?</p> <p>4 A. Yes, yes.</p> <p>5 Q. So is his view unobstructed --</p> <p>6 MR. CHAPMAN: Object to the</p> <p>7 form.</p> <p>8 A. Yes.</p> <p>9 Q. -- as to what you understand</p> <p>10 the load was?</p> <p>11 A. As to what I understand, yes.</p> <p>12 Q. And if he looks to the</p> <p>13 starboard side, is it generally</p> <p>14 unobstructed?</p> <p>15 MR. CHAPMAN: Object to the</p> <p>16 form.</p> <p>17 A. Yes.</p> <p>18 Q. How about the portside?</p> <p>19 MR. CHAPMAN: Same objection.</p> <p>20 A. Yes.</p> <p>21 Q. And how about a Stern?</p> <p>22 MR. CHAPMAN: Same objection.</p> <p>23 A. Yes.</p> <p>24 Q. If he turns around, obviously?</p> <p>25 A. Yes.</p>
Page 211	Page 213
<p>1 A. What bridge on the vessel?</p> <p>2 Q. Yeah.</p> <p>3 A. I don't -- was not -- no. I</p> <p>4 did not know. I would've -- I don't know.</p> <p>5 Q. You don't know --</p> <p>6 A. No.</p> <p>7 Q. -- whether he was on the</p> <p>8 steering bridge or the lower bridge, the</p> <p>9 main bridge?</p> <p>10 A. I believe he was on the -- he</p> <p>11 should have been in the upper wheelhouse.</p> <p>12 Q. Okay. And if -- is -- have you</p> <p>13 ever been to the upper wheelhouse on that</p> <p>14 vessel?</p> <p>15 A. Yes.</p> <p>16 Q. The McKenzie Rose is --</p> <p>17 THE REPORTER: Just give him a</p> <p>18 minute to finish.</p> <p>19 THE WITNESS: Sorry.</p> <p>20 Q. And from that steering bridge,</p> <p>21 upper wheelhouse the mate on watch can see</p> <p>22 past the barge configured as it was</p> <p>23 that -- on the day of the incident,</p> <p>24 correct?</p> <p>25 MR. CHAPMAN: Object to the</p>	<p>1 Q. Okay. Could you go to --</p> <p>2 THE REPORTER: Okay. You guys</p> <p>3 have to slow down tremendously for</p> <p>4 me.</p> <p>5 MR. RODGERS: I'm sorry.</p> <p>6 THE REPORTER: Just slow down a</p> <p>7 little bit.</p> <p>8 MR. RODGERS: You're from New</p> <p>9 York.</p> <p>10 THE REPORTER: I don't care, I</p> <p>11 can't write --</p> <p>12 MR. RODGERS: Okay, sorry.</p> <p>13 Apologies.</p> <p>14 THE REPORTER: I can't write</p> <p>15 his testimony --</p> <p>16 MR. RODGERS: All right, I'm</p> <p>17 sorry. Did you get it all?</p> <p>18 THE REPORTER: I did actually,</p> <p>19 but not the point --</p> <p>20 MR. RODGERS: All right.</p> <p>21 THE REPORTER: Slow down a</p> <p>22 little bit. You can read the</p> <p>23 realtime, I have it.</p> <p>24 MR. RODGERS: I don't think</p> <p>25 it's going to go well down in Eastern</p>

LEONARD BALDASSARE

April 29, 2025

Page 214	Page 216
<p>1 District, Virginia if I'm questioning 2 anybody.</p> <p>3 THE REPORTER: It'll be a lot 4 slower.</p> <p>5 MR. RODGERS: I'm going to have 6 to do a training session.</p> <p>7 Q. Could you look at Carver 155, 8 which was the lookout, Section 7.16?</p> <p>9 A. Yes.</p> <p>10 MR. CHAPMAN: We're on the SMS 11 Exhibit 4.</p> <p>12 MR. RODGERS: Sorry, thank you.</p> <p>13 Q. We're in the SMS Exhibit 4, 14 Bates Stamp Number Carver 155.</p> <p>15 Just hold that thought, I need 16 to check something. Sorry, I just need two 17 minutes some -- before I -- just -- oh, 18 there they are.</p> <p>19 Okay. If you could go back to 20 Exhibit 4, Carver 155. Could you read into 21 the record under "One man bridge 22 operations?"</p> <p>23 A. Sure. "One man bridge 24 operations. On vessels where there is an 25 unobstructed all around view provided at</p>	<p>1 form.</p> <p>2 A. Yes, it is his decision.</p> <p>3 Q. Okay. And I'm not going to ask 4 you any opinion questions. I'm just going 5 to want you to verify. This is in Section 6 7.16 under the "lookout" section of 7 Carver's SMS book, right?</p> <p>8 A. Yes, that is correct.</p> <p>9 Q. Okay, what you just read?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Sorry I lost my list. I 12 remember, okay. I don't need the list.</p> <p>13 Carver 169, can you find that? 14 I'm not sure where that is. I think it was 15 near the end of those --</p> <p>16 A. Yeah, I got it.</p> <p>17 Q. -- those charts.</p> <p>18 A. Yep.</p> <p>19 Q. I'm glad you got it. Okay. Is 20 that in Exhibit 4?</p> <p>21 A. Yes.</p> <p>22 Q. Okay, thank you.</p> <p>23 All right. Do you remember 24 talking about this flow chart in Section 25 915 of the SMS with Mr. Chapman?</p>
Page 215	Page 217
<p>1 the steering station, as on certain 2 pleasure crafts, fishing boats and towing 3 vessels or where there is no impairment of 4 night vision or other impediment to keeping 5 a proper look out, the watch officer or 6 helmsmen may safely serve as the lookout.</p> <p>7 However, it is expected that 8 this practice will only be followed after 9 the situation has been carefully assessed 10 on each occasion and it has been clearly 11 established that it is prudent to do so.</p> <p>12 Full account shall be taken of 13 the weather, conditions of visibility, 14 traffic density, and proximity of 15 navigational hazards. It is not the intent 16 of these rules to require additional 17 personnel forward if none is required to 18 enhance safety."</p> <p>19 Q. Thank you. Now, if a -- in 20 your experience and understanding of 21 lookouts as you -- in the context of being 22 questioned by Mr. Chapman, is it the 23 captain's decision to decide whether 24 lookout is to require to enhanced safety?</p> <p>25 MR. CHAPMAN: Object to the</p>	<p>1 A. Yes, I remember.</p> <p>2 Q. Okay. So I just want to go 3 over a few things, or maybe just one thing. 4 If you go to one, it says, "An unintended 5 grounding or an unintended strike of 6 "allision with" a bridge," correct?</p> <p>7 A. Yes.</p> <p>8 Q. Now, on June 15th, 2024 when 9 you received a call from Captain Miller, 10 did he tell you he had hit the bridge?</p> <p>11 A. No.</p> <p>12 Q. At any time during that day, 13 June 15th, did you find out he had hit the 14 bridge?</p> <p>15 A. No.</p> <p>16 Q. And was it your understanding 17 that he had slid by the fendering system?</p> <p>18 A. Yes.</p> <p>19 Q. That's what he told you?</p> <p>20 A. Yes, that is what he told me.</p> <p>21 Q. Okay. So just from reviewing 22 this and your knowledge of this flow chart, 23 is it your understanding that based on what 24 Captain Miller told you this reporting 25 requirement was not required on June 15th</p>

LEONARD BALDASSARE

April 29, 2025

Page 218	Page 220
<p>1 with the knowledge you had?</p> <p>2 A. That is correct, with the</p> <p>3 knowledge of the situation that I was told.</p> <p>4 Q. Okay. I have no further</p> <p>5 questions. Thank you.</p> <p>6 MR. CHAPMAN: I have a couple</p> <p>7 of follows up. Thank you. MR.</p> <p>8 RODGERS: How did I guess.</p> <p>9 EXAMINATION BY</p> <p>10 MR. CHAPMAN:</p> <p>11 Q. So you got Exhibit 4 there?</p> <p>12 A. Yes.</p> <p>13 Q. I got a follow up on Page 155,</p> <p>14 which is the lookout rule?</p> <p>15 A. One second.</p> <p>16 Q. 7.16, lookout. You got that</p> <p>17 there?</p> <p>18 A. Yes, sir.</p> <p>19 Q. You read that very last section</p> <p>20 called "One man bridge operations," right?</p> <p>21 A. I did, yes.</p> <p>22 Q. And it looks like it's quoted</p> <p>23 language from some other source, right?</p> <p>24 A. Yes.</p> <p>25 Q. And did Carver intentionally</p>	<p>1 put themselves on mute?</p> <p>2 MR. RODGERS: Cannon Moss.</p> <p>3 It's your client.</p> <p>4 THE REPORTER: Mr. Cannon?</p> <p>5 MR. RODGERS: I think it's</p> <p>6 Mr. Moss. Is it Moss?</p> <p>7 THE REPORTER: Yes.</p> <p>8 MR. CHAPMAN: Mr. Moss, were</p> <p>9 you asking a question or did you just</p> <p>10 forget to mute yourself? Looks like</p> <p>11 he's on mute now. Okay.</p> <p>12 Q. So we're on Page 169 in Exhibit</p> <p>13 4?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And Mr. Rodgers asked you a</p> <p>16 question related to whether this was</p> <p>17 something that needed to be reported,</p> <p>18 right? And based on what you learned</p> <p>19 during your conversations with Captain</p> <p>20 Miller, on June 15th, right?</p> <p>21 A. Yes, he did.</p> <p>22 Q. And I think the word was or the</p> <p>23 term that was used was slide by, which you</p> <p>24 understood to mean they had made no contact</p> <p>25 with the bridge or fender system, correct?</p>
Page 219	Page 221
<p>1 include this in it's safety management</p> <p>2 system or was it something that was</p> <p>3 included by the folks that sell the safety</p> <p>4 management system this TBS outlet, if you</p> <p>5 know?</p> <p>6 MR. RODGERS: Objection to</p> <p>7 form.</p> <p>8 Q. If you know.</p> <p>9 A. I do not know.</p> <p>10 Q. Okay. In any of that language</p> <p>11 that you read regarding one man bridge</p> <p>12 operations, did it talk about transiting</p> <p>13 bridges?</p> <p>14 A. No.</p> <p>15 Q. Okay. Did it talk about narrow</p> <p>16 channels?</p> <p>17 A. No, it did not.</p> <p>18 Q. Now, if you could turn to Page</p> <p>19 169, Section 9.5 of this accident and</p> <p>20 incident reporting?</p> <p>21 A. Got it.</p> <p>22 Q. Section --</p> <p>23 MR. RODGERS: Somebody there.</p> <p>24 MR. CHAPMAN: Is somebody</p> <p>25 asking a question or they just didn't</p>	<p>1 MR. RODGERS: Objection to</p> <p>2 form. You can answer if you</p> <p>3 understand his question.</p> <p>4 A. Yes, correct.</p> <p>5 Q. That's what you believe?</p> <p>6 A. To what I -- to what they told</p> <p>7 me, yes.</p> <p>8 Q. Got it. So have you ever had</p> <p>9 another tug crew contact you to inform you</p> <p>10 that they had slid by a fender system while</p> <p>11 you were Port Captain at Carver?</p> <p>12 A. No.</p> <p>13 Q. So if all they did was slide by</p> <p>14 the fender system, was there any reason for</p> <p>15 them to call you about it that afternoon?</p> <p>16 MR. RODGERS: Objection to</p> <p>17 form. You can answer if you --</p> <p>18 A. You would have to ask --</p> <p>19 MR. RODGERS: Don't guess.</p> <p>20 A. You would've to ask Captain</p> <p>21 Miller his reasoning. I'm not sure, I just</p> <p>22 answered the phone when they called.</p> <p>23 Q. If all they did was slide by as</p> <p>24 reported to you, would there be any reason</p> <p>25 for you to ask them to take some photos and</p>

LEONARD BALDASSARE

April 29, 2025

<p style="text-align: right;">Page 222</p> <p>1 send them to you?</p> <p>2 MR. RODGERS: Objection to</p> <p>3 form. You can answer if you have an</p> <p>4 answer.</p> <p>5 A. Yes. Just so I can make sure</p> <p>6 that there was no damage and that they</p> <p>7 weren't lying to me about anything.</p> <p>8 Q. So they called you to tell you</p> <p>9 that they had slid by and hadn't made any</p> <p>10 contact with the bridge out of the blue on</p> <p>11 a Saturday afternoon?</p> <p>12 MR. RODGERS: Objection to</p> <p>13 form.</p> <p>14 Q. Okay. On a Saturday afternoon.</p> <p>15 And you wanted to check whether they were</p> <p>16 lying to you, so you had them take some</p> <p>17 photos and send them to you. Is that your</p> <p>18 testimony?</p> <p>19 MR. RODGERS: Objection to</p> <p>20 form. You can answer if you want to</p> <p>21 extrapolate on that.</p> <p>22 A. I'd rather not answer.</p> <p>23 Q. Are you going to refuse to</p> <p>24 answer?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 224</p> <p style="text-align: center;">A C K N O W L E D G M E N T</p> <p>1</p> <p>2</p> <p>3</p> <p>4 STATE OF NEW YORK)</p> <p>5 :ss</p> <p>6 COUNTY OF)</p> <p>7 I, LEONARD BALDASSARE, hereby certify</p> <p>8 that I have read the transcript of my</p> <p>9 testimony taken under oath on 04/29/2025;</p> <p>10 that the transcript is a true, complete and</p> <p>11 correct record of what was asked, answered</p> <p>12 and said during this proceeding, and that</p> <p>13 the answers on the record as given by me</p> <p>14 are true and correct.</p> <p>15</p> <p>16 _____</p> <p style="text-align: center;">LEONARD BALDASSARE</p> <p>17</p> <p>18</p> <p>19 Signed and subscribed to</p> <p>20 before me this ____ day</p> <p>21 of _____, 2025</p> <p>22</p> <p>23 _____</p> <p style="text-align: center;">Notary Public</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 223</p> <p>1 Q. No further questions.</p> <p>2 MR. RODGERS: I think I'm done.</p> <p>3 MR. CHAPMAN: Yeah, thank you.</p> <p>4 MR. RODGERS: Thank you, Mr.</p> <p>5 Baldassare.</p> <p>6 THE WITNESS: Thank you.</p> <p>7 MR. RODGERS: Thanks for coming</p> <p>8 in.</p> <p>9 THE WITNESS: No problem.</p> <p>10 MR. RODGERS: Are we done with</p> <p>11 the witness?</p> <p>12 MR. CHAPMAN: Yeah. I'm sorry</p> <p>13 it was a little tense.</p> <p>14 THE VIDEOGRAPHER: One second.</p> <p>15 This is the end of the video</p> <p>16 deposition of Leonard Baldassare.</p> <p>17 The time is 3:24 p.m.</p> <p>18 MR. NANAVALI: Ms. Court</p> <p>19 reporter, I would like a copy of that</p> <p>20 proceeding.</p> <p>21 (Time noted: 3:26 p.m.)</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 225</p> <p style="text-align: center;">C E R T I F I C A T E</p> <p>1</p> <p>2</p> <p>3 STATE OF NEW YORK)</p> <p>4 :ss</p> <p>5 COUNTY OF SUFFOLK)</p> <p>6</p> <p>7 I, LARIN KAYWOOD, a Notary Public</p> <p>8 within and for the State of New York, do</p> <p>9 hereby certify:</p> <p>10 That the witness whose examination is</p> <p>11 hereinbefore set forth was duly sworn and</p> <p>12 that such an examination is a true record</p> <p>13 of the testimony given by such a witness.</p> <p>14 I further certify that I am not</p> <p>15 related to any of these parties to this</p> <p>16 action by blood or marriage, and that I am</p> <p>17 not in any way interested in the outcome of</p> <p>18 this matter.</p> <p>19 IN WITNESS WHEREOF, I have hereunto</p> <p>20 set my hand this 29th day of April, 2025.</p> <p>21</p> <p>22</p> <p>23 <i>Larin Kaywood</i></p> <p>24 _____</p> <p style="text-align: center;">Larin Kaywood</p> <p>25</p>

LEONARD BALDASSARE

April 29, 2025

Page 226

1 Errata Sheet

2

3 NAME OF CASE: IN THE MATTER OF COEYMANS MARINE TOWING, LLC

4 DATE OF DEPOSITION: 04/29/2025

5 NAME OF WITNESS: LEONARD BALDASSARE

6 Reason Codes:

7 1. To clarify the record.

8 2. To conform to the facts.

9 3. To correct transcription errors.

10 Page ____ Line ____ Reason ____

11 From ____ to ____

12 Page ____ Line ____ Reason ____

13 From ____ to ____

14 Page ____ Line ____ Reason ____

15 From ____ to ____

16 Page ____ Line ____ Reason ____

17 From ____ to ____

18 Page ____ Line ____ Reason ____

19 From ____ to ____

20 Page ____ Line ____ Reason ____

21 From ____ to ____

22 Page ____ Line ____ Reason ____

23 From ____ to ____

24

25

LEONARD BALDASSARE

April 29, 2025

Exhibits	Exhibit 24	00851	12	185:11
	4:2 133:13 135:8	147:12	16:21	166
Exhibit 1 3:10 82:7,12 87:1	Exhibit 25 4:3 134:12	00885 147:12	1200 16:17	191:9,12
Exhibit 2 3:11 84:9,10	Exhibit 26 4:4 145:12	08:48 100:18	12:02 91:10	168 193:16
Exhibit 3 3:12 137:14, 15 139:8,9	Exhibit 28 4:6 144:18 145:12	<hr/> 1 <hr/>	12th 87:14	169 194:11 216:13 219:19 220:12
Exhibit 4 3:13 158:13, 16 191:14 199:11 214:11,13,20 216:20 218:11 220:12,13	Exhibit 30 4:7 145:13	1 5:3 27:21 82:7,12 87:1 91:21 101:21 162:16 176:13 187:12,22 194:25	13 91:25 92:20	16:30 88:15 118:25 119:23 127:16
Exhibit 6 3:15 87:10,11, 15 118:21,23, 24 119:12 123:7 124:4 125:8	Exhibit 32 4:9 147:7	1.2 153:7	14 10:6	17 91:25 93:1,15
Exhibit 9 3:16 96:1,4	Exhibit 34 4:10 149:8	10 15:24 71:21 101:22,23,24 115:22	15 91:25 92:24 93:3,6,7,10	17th 65:3 66:12,23 68:8,11 71:24 74:11 109:2 110:8,16,18
Exhibit 15 3:20 92:24	<hr/> 0 <hr/>	1.2 153:7	150 166:21	17th 65:3 66:12,23 68:8,11 71:24 74:11 109:2 110:8,16,18
Exhibit 17 3:21 93:1,15	0000112 103:10	10 15:24 71:21 101:22,23,24 115:22	155 178:19 214:7, 14,20 218:13	19 99:16 103:9 110:6 111:5
Exhibit 19 3:23 99:16 103:9 110:6 111:5	0000114 106:24	100 79:16 154:25 161:10	15th 20:8 48:2 59:23 60:15 62:3,24 63:5, 22 64:3,21 71:23,25 83:4 87:22 88:7 107:20 119:12,13,21 123:8 124:11, 16 127:14 131:15 132:9 149:20 182:1, 21 190:10 217:8,13,25 220:20	194 176:10,18,19
Exhibit 21 3:24 118:4,20	0000148 158:23	10:00 67:8	15th 20:8 48:2 59:23 60:15 62:3,24 63:5, 22 64:3,21 71:23,25 83:4 87:22 88:7 107:20 119:12,13,21 123:8 124:11, 16 127:14 131:15 132:9 149:20 182:1, 21 190:10 217:8,13,25 220:20	19th 108:18,22 109:6 110:12, 23
Exhibit 23 3:25 126:22 127:13	000019 124:12	10:22 5:9	1600 10:10	1:06 148:24
	000049 96:2	11 91:25 92:15 106:16	163	1:59 149:6
	000056 118:22	11757 6:4		<hr/> 2 <hr/>
	000155 178:13	11:44 91:2		2 84:9,10 91:8 151:2
	00016 111:9	11problems 136:15		2.2
	000886 163:12			

LEONARD BALDASSARE

April 29, 2025

145:9	23:55 124:16 125:1	26th 106:13 112:18	3:03 202:16	6
20 13:22,24 102:18	24 87:22 133:13, 17 135:8	27 174:21	3:24 223:17	6 87:11,15 105:25 118:21,24 119:12 123:7 124:4 125:8 156:6,20 157:23 176:14 196:6,7,8
200 170:13,14	248 85:21	28 144:7,18 145:12	3:26 223:21	6.12 166:21
2015 9:13	24th 31:12 32:19 112:21,22	281 88:20 94:7 103:19 122:16 181:25 182:19 195:5	3K 111:17	7
2023 134:6	25 103:13 133:14,20 134:12	282 122:15	4 102:18 158:13,16 191:14 199:11 202:15 214:11,13,20 216:20 218:11 220:13	7 107:19
2024 6:17 11:19 20:8 32:22 48:2 62:3 63:5,22 64:22 87:14 88:9 100:18 106:14 107:20 108:18,23 113:6 115:12 124:16 127:14 132:10 134:14 135:13,21 136:1,13,23 137:22 145:12,13,14, 24 146:6 149:20 182:1, 21 190:11 217:8	25A 104:22	29th 5:8	4.05-1 187:8	7.12 168:7,10,11 175:8 185:8 198:14
	25th 113:3	2:24-cv-00490 5:7	4/26/1993 6:22	7.16 178:12 183:4 214:8 216:6 218:16
	26 16:18 100:18 144:7,25 145:12	2:56 202:11	40 13:20	7.3 123:19
	2692 68:7,11 80:8, 15,19 99:18 100:20 101:2, 4,8 103:11 106:20 108:11,22 109:1,14,24 110:4 111:8 194:14 195:8	3 137:14,15 139:8,9 149:5	45 148:16,18	7.9 149:16 150:19 176:9,21
	2692A 111:5	30 27:21 144:7, 25 145:13	46 187:3,8	70 115:23
2025 5:8 14:24 33:18 34:21 59:24	2692B 106:25 108:10 109:6 110:6, 12,19,22 111:2	32 107:18 147:7 149:9,10	5 156:2	75 116:1
21 118:4,20		33 149:9	5.1 159:2 162:11, 19	8
22nd 137:22		34 149:8	56 88:1,2 123:8	80
23 126:22 127:13		36 123:17		

LEONARD BALDASSARE

April 29, 2025

116:1	159:14,20,21	118:6 181:4	15:4	25 202:23
88	160:11	183:5,20	ahead	204:2,10
6:3	161:15,19	addendum	21:10 60:13	207:5 217:6
<hr/>	197:1,4,8	111:7,15	63:15 90:17	alongs
9	accessed	addition	103:20 167:16	37:8,11,15
<hr/>	153:5	98:13	205:12	alongside
9	accident	additional	Alabama	88:21
91:25 92:10	88:7 187:1	215:16	164:7	alphabetical
95:7 96:1,4	191:18	address	Albany	150:9
9.2	194:16,20,21	6:2,3 69:3,6	15:6,17	alternates
192:19	219:19	164:6	alcohol	194:4
9.4	accommodate	addressed	107:6,14,24	altogether
156:6 157:23	209:6	129:5	195:17,20,24	14:25 16:20
158:2	accompanied	addressing	alert	Amber
9.5	110:5	187:15	46:8	156:10
137:19 138:25	account	administered	alerted	amend
139:7 162:23	215:12	107:24	207:20	125:14
185:8 193:8,	accounted	admit	allegation	amended
12 219:19	94:15	160:9	179:23	152:7
910	accounts	adopt	allision	and/or
168:16,19	134:22 135:15	115:2	18:14 20:9	209:13
915	acronym	advisor	22:10 25:1	Android
216:25	10:19 28:23	116:20	33:24 35:1	54:21
9:00	action	affixed	39:14 47:19	annual
67:8	57:17	188:18	62:4 63:5,22	26:14,16 37:7
<hr/>	active	afternoon	64:21 65:1,19	43:12 44:4,17
A	174:16	48:18 62:3	66:16 69:12,	annually
a.m.	actively	132:9 221:15	18 70:1,17	39:5 44:24
5:9 91:3	11:9 61:5	222:11,14	71:12,19 72:1	answers
ability	activity	agent	78:4 79:20,23	46:14 47:10
46:13	103:15 106:5	187:16	81:2 102:10	Apologies
aboard	actual	agree	105:18 117:4,	92:8 213:13
73:19 78:10	79:3 136:10	71:17 110:17	5,20 127:2	apologize
79:5 197:12	190:23	195:8,14	128:22 139:9	92:2
access	add	agreed	153:1 181:7	apparently
81:13 82:3	111:13	60:20 62:14	183:13 185:19	130:20 176:24
130:1 142:24	added	agreement	186:7 187:24	
156:19			188:5,11,16,	
			17,19 191:22	
			193:13 195:2,	

LEONARD BALDASSARE**April 29, 2025**

appearances 5:15	arise 183:12	Associates 5:14	128:20 129:3 135:18 136:6, 16 155:21,25 199:2,5,8,15 200:1,11,15 201:15 205:16 206:1,4,12	202:15 214:19
appears 88:9 108:7 109:5 118:21 123:18 147:13 149:13 194:12	arrangements 209:11	assume 27:8 52:6 54:4 56:1 60:1 84:19 86:17 146:16 155:16 160:9	autopilots 201:16	background 6:24
application 154:5	arrival 106:7	assumes 193:18	autopopulated 152:17	backing 88:20 127:18
applied 12:16,18	arrive 56:9	assuming 27:6 196:8	aware 128:18 137:4 145:16 184:6, 11,12,13 185:3 205:2, 14,23	Baldassare 5:4,25 6:7 20:13 81:17, 23 99:17 144:5 149:7 158:12 202:17 209:22 223:5, 16
appraise 183:12	asks 180:20	attach 154:4,16,18	Ayers 133:12,18 135:8,23	bar 168:14 176:11
apprise 181:6 183:8	assessed 215:9	attached 95:4 153:9,10	B	barge 30:3,4 39:16 48:9 50:5 57:25 62:11 63:10,14 75:10,11,14, 16,23,24 76:5, 11,13 84:15, 25 85:4,7,11, 16,19 86:3,9 88:20,21 94:7, 12 103:19 104:4,17 107:23 111:7, 15 170:9,12, 13 181:10 195:5 198:8 205:5 211:22 212:3
approach 207:17 208:1, 4	assessment 38:12 156:5,7, 15 157:18,25	attempted 66:7	BA 150:10	based 82:1 131:5 162:7 208:17 217:23 220:18
approaching 90:1	assessments 38:15	attention 133:25 134:18 135:11	back 6:16 19:24 21:14 32:18, 21 33:19 34:10 35:11 48:12 57:12 59:18,24 61:21 64:6 76:16 88:19 90:6 91:9 99:10 121:22 122:11,16 125:4 148:16 149:5 151:25 170:18 182:25 183:3 194:6	
appropriately 199:15	assigned 39:8 54:24 116:13 142:3 168:2 170:7 171:1	attorney 98:5,7 105:15 172:23		
approval 130:8	assigning 167:25 170:4	audit 122:1		
approve 130:7	assignment 30:11 44:14 156:20	auditor 163:21		
approver 130:14 145:23	assist 128:15 136:20 167:3,4 175:18	audits 165:9		
April 5:8 135:25 136:13 145:14,24 146:6	assist/tag 175:15	August 32:21		
area 175:3	assistance 113:8	authority 22:21 159:3		
areas 85:7		autopilot 88:17 89:4,12, 16,25 90:3 103:23 119:25		

LEONARD BALDASSARE

April 29, 2025

Basic 10:13	12:17 51:8 118:17 213:7, 22	book 196:21 198:20 216:7	194:3	18 207:8 210:24 211:1, 8,9,20 214:21, 23 217:6,10, 14 218:20 219:11 220:25 222:10
basically 17:3 39:17 107:12 177:2	Block 101:22,23,24 102:17 103:13 104:21 107:19 111:17 145:9	boss 18:6 71:2	Brian's 18:6	bridges 167:3,5 175:2 176:4 177:6, 18,21,25 178:4 196:13 197:25 198:13,23 204:19 219:13
Bass 92:17	blue 176:11 222:10	bottom 87:23 88:6 99:23 124:12 158:22 166:15,24 176:12 193:6, 7 195:16	bridge 6:16 18:14 30:4 33:24 39:14 48:2,5, 7,8 50:4,19 52:7 57:25 61:11 62:13, 15,18 63:18 65:20 68:3 69:13 72:1,9, 11 78:5 82:23, 24 83:9,22 84:1 86:14 88:22,23 89:14 90:1 94:12,13 101:10,15 102:11,25 104:6,13,15, 16 105:18 111:20 117:5 119:24 127:19 128:6,23 130:23 139:10 153:1 155:4, 17 168:7,11, 25 169:13,18 171:10,13 173:13,22 174:4 177:11, 13,18,24 179:24 180:12 181:10 182:2, 21 183:13 187:25 188:6, 11,15 190:7, 13,23 191:3, 23 193:14 195:2,6,7 196:23 205:5,	
Bates 176:17 214:14	board 36:16 76:1 113:1 200:12, 20	bought 163:6	bow 104:4 170:18	briefing 175:10,20 176:3
begin 88:19	boarded 75:13,20	bow 104:4 170:18	box 102:15 193:17	bring 19:22 160:25 201:21
beginning 5:3 87:14 91:7 147:12 149:4 168:22 202:14	boat 16:16 25:22 37:21 40:13, 16 53:11,13 54:22 55:2,6 56:14,17 57:4, 12 61:21 62:2, 24 72:2,3 73:11,18,24 74:8 75:21 114:11 115:22 125:17,22,23 126:4 127:4 132:8 135:18 136:12 141:15 153:15 182:19 197:7 200:21 204:1 209:23	branch 94:6 103:21 174:24 177:4	Brandon 138:5	Brothers 161:17
begins 163:11		break 90:18 120:20 201:25	break 90:18 120:20 201:25	brought 30:2
behalf 64:24		Brian 11:20,25 17:22 18:11, 20 24:1 37:6, 16 38:11 50:11 56:1 57:15 58:11 62:9 66:13 67:9 68:12 73:16 101:5 109:2,12,23 110:8 130:6 132:24 133:6 145:22 186:14	Brian 11:20,25 17:22 18:11, 20 24:1 37:6, 16 38:11 50:11 56:1 57:15 58:11 62:9 66:13 67:9 68:12 73:16 101:5 109:2,12,23 110:8 130:6 132:24 133:6 145:22 186:14	brush 130:21
Belt 6:10,16 33:24 48:2 61:11 69:13 70:1,12, 17,19,20,24 71:8 72:1 111:19 117:5 139:10 177:13,24 182:20 193:14				Bryant 164:15,16
big 168:14 185:9				Buchanan 7:17,18,24 8:2,4 14:21 126:11 161:22
billing 114:11 133:10	boats 11:12,15 16:19 17:4 30:1 37:6 163:24 175:15,19 215:2			bullet 167:1,15 170:3 171:15 174:7 181:5 183:8
bird 173:23				bullets
birth 6:21				
bit				

LEONARD BALDASSARE

April 29, 2025

179:4 bunch 102:3 159:18 Bunkering 8:6 buoys 52:9 business 16:3 21:18 22:5 business-related 32:16	185:19 187:7 195:17 218:20 221:22 222:8 calling 53:1,4,18 54:9,11 183:17 calls 54:17 184:2 195:10 Cannon 220:2,4 capabilities 36:23 capability 77:17 capable 206:13 capacity 41:22 captain 7:8,10 12:16 13:11,17 14:7 15:10 16:22 17:20 19:1,14 22:12,18,24 25:3,9,24 28:15 29:4,7, 10,15,20 31:25 32:24 33:18,22 36:10,21 37:25 41:9,16, 18 42:3,11 44:9 48:3,5, 10,25 50:8,17, 18,25 51:1 52:12,22,23, 25 53:2 54:9 55:12 60:18	61:24 62:7,21, 25 63:3,8 72:9,19 77:3 78:13 86:7 89:2 92:10,12 93:17 94:19 95:8,20 96:17 97:10 99:17 113:19 114:18 115:10 119:21,22 124:15 128:1, 11,21 132:8, 16,18 135:13 137:4,11 140:6,11 142:2,9 143:6, 13,24 144:1 147:1 160:13 175:13 185:19 186:3,9 189:12 190:15 191:4 196:11 197:23 200:3 202:21 203:2 204:4 209:24 210:1,7,14 217:9,24 220:19 221:11,20 captain's 28:6 215:23 captains 37:2,8 38:9 44:10 care 213:10 carefully 215:9 cargo 22:25 23:6	Carolina 140:8 Caroline 23:9 carry 21:21 Carver 5:6 6:14 7:2 11:18 12:10, 13,14,19 13:10 14:2,6, 13,18,23 15:1, 11 16:23 17:18 18:20 20:14,16 21:21 22:13 23:23 24:1,5 25:3,6 29:21 30:8 33:18 37:12 54:18 56:21 57:7 59:10,17 63:4 64:25 65:6,7 69:4,11 79:23 81:12 87:24 96:1,3 97:19 103:9 105:15 106:24 111:9 113:20 114:17 115:9 117:24 118:5,22 124:12 125:22 126:9 129:20 133:11 136:23 137:19 138:10,14 139:2 140:5, 11,18 143:13 147:11,12 149:12 158:23 159:6 160:1 162:5 163:6,	12 165:24 166:5,12 178:13 182:18 191:12 196:11 197:23 200:17 201:17 204:16,17 214:7,14,20 216:13 218:25 221:11 Carver's 11:15 193:22 216:7 case 5:6 123:17 144:8 203:17 casualty 89:5 102:2,18 103:17 106:4, 6,17 107:4 185:16 186:1 187:7,21 categories 82:1 caused 66:11 cell 58:17 66:25 67:2 center 7:3,4,12,16 11:12 12:1,3 13:14,16 14:3, 21 51:7 126:15,16 161:13 certificate 29:1 CFR 187:3,8
C				
call 19:2,8 50:9 53:13,24 55:11,25 57:12 61:21 62:24 63:7,8 65:22 66:4,15 67:1,3,6,9,10, 13,18 71:7,8 75:21 95:10 116:7 122:25 129:2 132:17 133:1,2,3 148:4 169:10 174:6 177:1 185:9,12 190:20 198:12 217:9 221:15 called 43:5,13,16 48:3,10,12,16 50:13,18 65:17 66:2,8 67:15 74:10 101:12 117:14				

LEONARD BALDASSARE

April 29, 2025

chain 133:1	203:2 204:13 205:8 207:11 208:15,22 209:19 211:25 212:6,15,19, 22 214:10 215:22,25 216:25 218:6, 10 219:24 220:8 223:3, 12	124:15 Christopher 151:10 circumstance 169:19 171:1, 18 185:18 188:3 circumstances 168:1 169:11 184:17 198:6 City 165:1 clarification 28:25 54:24 67:5 121:3 clarify 55:5 121:17, 20 clear 71:1 94:21 132:25 192:13 clearance 173:23 clearer 84:20 click 154:5,12 client 220:3 clip 52:5 154:12 clips 52:6 close 15:13 122:9 123:5 closed	122:23 123:9, 14 closer 168:21 closest 208:1,4 cloud 106:9 co-captain 127:17 Coast 46:24 47:1,8 61:1,8,15,18 63:21 64:2,20, 25 65:6,7,8 66:7,8,12,15 67:18 68:6,10, 11,15,18 69:25 70:16 71:7 74:10,15 76:15 79:9 80:20 99:19 100:21 101:3, 7,18 105:3,17 106:4,20 107:9 108:23 109:11 110:5 111:2 113:2 185:25 186:4, 10,14,18,22 187:19 188:8 194:13 195:9 196:3 Coastal 10:10 Coeymans 5:5 coffee 40:15 90:9 201:20	COI 16:17 26:17 28:2,22 29:1 collecting 25:17 collection 87:13 178:14 199:9 college 9:7,20 Collin 164:15,16 collision 64:9 181:7 collision/ elision 183:9 color 99:3 192:18 comfortable 129:12 169:18 communicate 170:20 communicated 19:23 communicatin g 18:25 communicatio n 21:18 32:3 33:12 communicatio ns 23:25 community 9:20
change 122:12 125:4 152:9 206:25 changed 122:3,5 channel 52:7 183:20, 22,23 184:8 185:4 channels 196:14 219:16 Chapman 6:6,9 8:18,21 20:2 29:10,13, 15 31:2 35:8, 16 43:10 45:11 51:17, 21 60:12 64:5 69:7 81:24 83:24 90:13, 16,21 92:4,8 93:23 94:2,4 98:6 100:10 114:25 115:4 121:18 144:15 146:10,13 148:16,19,22 156:23 157:2, 7 158:5,8 168:21 171:8 172:24 173:2, 7 176:18,20 180:21 181:14,17,22, 24 182:5,8,12, 15 191:13 194:2 198:17 201:21,24 202:2,5,8	charge 187:17 Charleston 137:6 140:8 chart 175:6 191:15 192:17 193:8, 17 194:12,25 216:24 217:22 charts 216:17 check 40:19 42:11 102:4 124:11 143:23 160:16 214:16 222:15 check-ins 153:22,23 checked 102:6,15 Chesapeake 39:15 child 15:21,23 choke 207:12 Chris 28:17 92:10			

LEONARD BALDASSARE

April 29, 2025

companies 126:10 138:11 173:8,9	comport 71:16	6:12 22:9 24:15 38:14 69:24 100:21 105:17 135:12 152:25	86:9,15 186:4, 18,21 189:9, 19 190:6	copies 84:14
company 6:11 16:8 19:11 21:14, 15,18,23 22:3, 4 24:7 25:2,20 28:12 29:5,25 32:4 33:7 34:21 56:22 58:13,14 59:9 67:2 76:24 97:3 162:7,8 163:18 165:20 196:20	computer 154:12 197:7 199:19	consecutive 166:18	contacting 54:1 69:25 70:20,24 186:10,14 189:2	copy 68:14 127:6 159:25 160:4, 7 197:12,14 223:19
company's 173:18 198:22 199:3	concern 129:2	considerations 180:7	contained 194:7 198:14	corporate 205:11
compensation 14:15	concerns 187:16	considered 131:6,15 179:5	contemplated 171:14	correct 11:1 13:15 14:11,19 15:2 21:3,16 22:2 23:16 25:21 26:2 27:19 29:3 30:23 32:14,23 33:1 39:9 40:14 41:5 42:23 46:21 47:6 52:16 54:10 62:19 79:9 80:22 81:18 85:13 87:2,19 88:18 90:4 94:10 97:17 100:3,4 104:3 105:19 106:15 107:16 108:2 109:14 114:13,15 119:13,14 120:1 121:25 122:24 126:18 130:10 131:2 134:7 138:18 140:24 150:12 152:1,3,5 153:6,21 156:12,13 170:10,16,18 175:6 177:4,
competence 44:3	conclusion 66:18 67:17 182:14	consistent 188:12	contents 161:8	
compilation 99:18	condition 75:21	consisting 86:4 102:2 187:21	context 188:3 215:21	
complaints 128:19	conditions 215:13	consists 147:11	continued 56:21 103:25	
completed 80:25 88:12 99:24 106:2 111:14 119:13 122:8	conduct 141:15	construction 16:4,6,10 30:5	Contracting 16:2 23:20 24:16	
completely 88:17	conducted 79:4 103:16 120:3 202:20	consult 178:7 191:21	Contreras 5:10	
completing 105:24 111:13	confess 166:17	consulted 177:17	Control 160:21	
compliance 116:24 163:25 165:10	configured 211:22	contact 12:25 50:10 58:17 61:18 64:20 65:13 66:8,11 70:1, 16,19 71:3 104:5 132:9 185:20 188:18 189:4 220:24 221:9 222:10	conversation 18:16 24:3 36:5 49:6,13 52:21 60:6,23 62:1,2,22 67:22 70:14, 24 71:4 189:12,24	
	confirm 91:24	contacted 64:11,19 65:6, 7,8 66:7 70:12,18 79:9	conversations 48:24 62:23 89:1 220:19	
	confirmed 20:22		coordinator 193:19	
	congratulation s 32:12			
	CONNECT 38:21 43:7			
	connected 124:3			
	connection			

LEONARD BALDASSARE

April 29, 2025

14,15 178:25 179:1,7,8 183:13 184:19,23 192:15,16 193:9 194:14, 15 195:25 196:1 199:10, 12 200:9,25 204:19 206:23 207:22 210:2, 5 211:24 212:3 216:8 217:6 218:2 220:25 221:4	covers 125:19 165:4 177:1 CPA 207:20,24,25 208:8,13 crafts 215:2 create 152:12,13 153:13,16,18 154:3,15 169:4 credentials 81:16 crew 17:6,12 24:25 30:10 41:3 45:5 72:4,14, 16 73:20 74:2, 9,13,22 76:18 77:20,22 78:1, 4,15,21 79:25 86:8,14 89:3 99:9 107:5 113:2 114:24 115:16,20 129:4 140:23 151:3 155:2 170:4 175:14, 21 178:4 196:12,17,18 199:1 202:20 209:23 221:9	current 52:19 cut 200:4 cycle 42:7 <hr/> D <hr/> d/b/a 5:5 daily 36:25 87:13, 22 88:10 113:24 114:2, 6 119:11 122:7 123:14, 19 124:8 Daisy 23:11 damage 6:16 48:8 50:21 60:19 61:4 62:10,11, 13,17 72:13 75:1,5,6 83:9 85:4 94:12,13 101:16 102:22 104:16 107:22 111:18 190:23 222:6 damaged 195:5,7 danger 180:12 dangerous 179:22 dangers 179:11,12	Daphne 164:7 data 38:18 139:13 144:20 date 5:7 6:20 20:8 27:25 79:3 100:15 118:12 119:18 136:24 137:1 138:4 152:14,21 dated 108:18 dates 145:11 day 26:2,3 40:1,3, 8,9,10,12 49:1 54:18 60:11, 12 61:18,19 64:8,11,12 67:25 68:7 74:8,14 79:8, 16 89:3 122:10,21,23 123:5 124:9 125:2,13 133:7 137:25 165:3 180:17 190:9 211:23 217:12 day-to-day 16:25 days 39:18 71:21 78:8 106:3,16 deal 18:3 20:16 120:10	dealt 164:12 decide 215:23 deciding 179:6 decision 30:18 210:9 215:23 216:2 deck 37:4 72:23 103:19 125:17 141:18 143:20 151:6 deckhand 92:17 93:11 166:21 167:4 196:20 203:11,21 deckhands 78:24 96:23 167:2,21 define 205:6 degree 9:22 delete 56:22 57:9 59:10 152:11 deleted 59:14 150:15 151:11,13,23 deleting 69:11 deliver 106:2 delivered 30:4 39:19
correction 122:17 corrections 206:2,14 correctly 77:4 88:24 127:20 187:25 counsel 92:2 141:10 209:12 counseling 141:20,25 142:6 143:16 couple 27:17 37:22 52:6 133:10 147:19 177:8 209:18 218:6 court 5:11,16 223:18 cousin 24:20 covering 127:13	CTA 207:23			

LEONARD BALDASSARE

April 29, 2025

56:12 75:17 76:5 98:22 141:21 delivering 37:23 demand 20:15 density 179:10 215:14 department 28:10 82:2 134:22 depending 129:12 depict 85:10 deposition 5:4 6:12 19:20 46:18,20 223:16 depositions 82:8 120:11 describe 37:18 102:21 154:10 describes 103:17 151:2 description 111:18 designated 193:18,22 designation 194:9 desk 133:24 135:11 destination 63:11	determine 207:3 210:24 developed 165:20 device 54:21 difference 119:9 157:3 differently 118:16 difficult 209:8 digital 100:11,12,16 108:17 digitally 106:13 108:7 direct 180:19 184:4 directing 176:6 183:15 direction 52:14 directly 18:6 130:5 143:2 145:22 195:21 director 114:20 116:4, 9 discipline 8:25 140:16 disciplined 140:12 discovery 82:10 87:11 discretion	167:13 168:4 discuss 57:16 60:22 61:5 discussed 60:7 61:12 62:10 101:5 105:13 discussion 31:9 60:25 67:16 disengaging 205:16 dispatcher 117:12 dispatchers 115:14 Displacement 111:19 distinction 19:5 District 214:1 dive 45:24 division 13:25 16:5,12 dock 75:20,25 docking 26:15 document 10:3 77:17 123:13 146:1, 7,11 148:5 149:12 158:3 159:17,18 161:4 163:2	176:15 177:16 documentation 163:23 documented 142:15,20 documents 46:4 95:4 144:7 download 159:23 197:9 downs 152:15,18 dozen 179:4 draft 102:13 103:2 104:6 108:4 112:7 drafted 111:23 drifting 51:9 drill 147:24,25 drills 147:21 Drinking 40:15 drop 150:7 152:15, 18,20 153:25 dropping 150:11 drug 106:25 107:13,23 195:17,20,24	drugs 107:6 dry 26:14 due 169:13 duly 5:19 duration 55:12 duties 16:23 142:2 167:22 198:6 duty 203:11 <hr/> E <hr/> E-C-D-I-S 11:7 e-mail 19:3,6 67:12 68:22 69:3,19 77:10 106:2 e-mailed 20:20 68:18, 20 98:21 e-mails 69:11,16 earlier 101:5 145:21 151:24 197:6 east 87:4 Eastern 213:25 ECDIS 10:13,16,17
--	---	--	--	---

LEONARD BALDASSARE

April 29, 2025

11:4	182:18 196:10	engineering	evaluate	10,15 92:19,
edit	200:16 204:16	28:9 82:3	44:2	24 93:1,15
121:23 122:12	employee	128:15,17	evaluated	94:1 96:1,4
123:6	29:24	136:19	38:9 45:1	99:16 101:22
effected	employees	engineers	evaluating	103:9 104:22
128:12	164:13	37:4,5	36:22 37:3,5	109:25 110:6
effort	employer	enhance	39:7	111:5 118:4,
76:10	6:14 165:12	215:18	evaluation	20,21,23
Electric	employers	enhanced	38:23 43:20,	119:12 123:7,
133:18 135:8	162:5	215:24	22 45:5	8,16 124:4
electronic	employment	enjoying	event	125:8 126:22
100:8 159:10,	140:17	32:5	118:7 137:20	127:13 133:13
18 160:5	end	ensure	evidence	134:12 135:8
162:1 197:15	12:13 27:24	174:3	107:21	137:14,15
electronically	54:5 85:10	enter	evolution	139:8,9
159:22 197:9	122:22 125:13	38:17	28:1	144:18
Electronics	163:9 168:9,	entered	exact	145:12,13
133:13	20,22 170:9	119:22 120:6	27:25 117:22	147:7 149:8
elide	178:14 198:8	entering	137:1 190:8	158:13,16
47:22	205:4 216:15	183:20,22	exam	162:17,18
elided	223:15	184:8 185:4,5	10:5	163:10 166:20
155:4 181:10	endeavor	entire	EXAMINATION	191:14 199:11
182:1,19	206:21	12:6 159:23	6:5 209:20	214:11,13,20
eliding	ended	entity	218:9	216:20 218:11
48:1 155:17	9:21	164:2	examined	220:12
Elizabeth	endorsement	Environmental	5:20	exhibits
23:11 174:24	10:11,25	116:22	exclusively	91:15,22,25
177:4	engine	equipment	147:14	94:23 95:5
emergency	75:3	11:3 17:2	excuse	96:21 98:17
193:19	engineer	equipped	14:21 29:6	144:7,25
employed	25:4 28:11,16	86:3	34:19 99:22	existence
25:6,7 34:20	29:6 34:16	Erin	104:2 157:11	192:6
36:14,24 57:7	39:7,8 43:22	23:10	165:21	expect
59:16 69:4	72:21 75:2	essentially	exercise	42:25 53:23
134:2,9	79:1 92:21	154:2 167:20	8:24	81:5 89:15
138:14 139:2	96:23 129:8,	established	exhibit	90:2 170:25
140:10 143:13	10,11 151:5,	215:11	82:7,12 84:9,	expectation
166:5,12	16,18		10 85:22 87:1,	173:18
				expectations
				173:10
				expected

LEONARD BALDASSARE**April 29, 2025**

171:19 199:14 215:7 expedited 209:13,15 experience 6:25 126:7 200:2 210:18 215:20 experiencing 136:16 expert 51:16 55:15 89:22 131:19 171:4,22 173:5 179:20 180:14,16 183:17 184:2 204:22 205:20 206:4 expire 174:20 explain 51:4,18 explained 44:16 explaining 73:14 explanation 98:10 extent 102:21 129:13 171:4 external 152:19 extra 41:21 133:15 200:6 extrapolate	222:21 eye 203:23 eyes 203:23 <hr/> F <hr/> fact 51:15 104:21 121:23 182:6 factors 179:5 fair 13:24 fairly 56:11 familiar 10:14 156:14 157:17 163:17 175:1 fashion 85:13 169:22 fax 106:3 February 10:6 feel 23:22 137:24 138:1 172:6 feels 129:11 feet 170:14 felt 22:15 61:2 132:17	fender 86:9 128:8 130:22 132:20 185:21 189:5, 9 190:7 220:25 221:10,14 fendering 48:6 50:20 68:4 72:11,12 82:24 88:21 101:14,15 104:14 189:7 217:17 fenders 52:7 188:15 189:1,17 fewer 14:1 figure 113:23 115:22 190:4 figured 34:3,11 207:10 file 111:1 142:16 154:22 192:19 filed 6:14 109:6 152:7,14 filing 80:7 fill 41:22 68:6 81:3 110:12 124:9 129:17 148:7 157:1, 12,16 193:8	filled 38:14 40:19, 23 44:18 45:4 80:15,25 81:6 99:19 101:4 102:14 109:1 110:7 111:11 112:14 124:15 126:8 129:22 137:22 138:21,25 139:20 144:20,21 149:25 150:3, 8,16,24 152:10 156:18 195:8 filling 141:13 150:6, 12 194:13 fills 124:24 157:10 final 122:8,9 209:16 find 23:20 110:2, 22 208:2 216:13 217:13 fine 35:17 51:24 121:10 126:25 finish 8:17 9:1 20:3, 4,5 35:13 171:9 211:18 fire 22:13,19 fired 22:16,20,22	fishing 215:2 five-day 106:21 five-minute 201:25 fixed 47:22 54:1 136:11 205:17 207:8,18 fleet 16:25 flow 191:15 192:17 193:8,17 194:12,25 216:24 217:22 focus 91:21 187:11 focused 60:14 198:5 fog 168:4 folder 69:17 folders 69:16 folks 116:3 219:3 follow 103:24 104:4 187:12 192:9 209:1 218:13 font 169:10 foot 16:18
---	---	---	--	--

LEONARD BALDASSARE

April 29, 2025

forensic 187:24	form's 43:5	GAR 156:6,9 157:18,24	governs 184:7	108:23 109:11 110:5 111:2 113:2 185:25 186:4,11,14, 18,22 187:19 188:9 194:13 195:9 196:3
forget 220:10	formally 45:1,2	gave 59:23 63:14 67:20 77:2,3	GPS 136:12	Guard's 107:9
form 10:23 21:25 34:1 38:13,18 40:19,23 43:9, 12 44:18 54:15 70:8,22 71:15 74:4 80:11 81:6 89:18 102:13 105:24 106:3, 12,19,25 108:11,22 109:14,16 110:4,6 111:5, 12,14,15 112:5 113:5 123:19,24 124:6,8 129:17,21,25 130:25 131:10 132:14 138:20 139:12 142:22 143:4 145:1 153:9 154:13, 23 155:12 156:18 158:20 167:9 176:10 179:16,20 180:1 190:2, 18 192:2,11, 25 193:2 194:14 195:23 199:20 201:12 205:20 206:16 212:1,7,16 216:1 219:7 221:2,17 222:3,13,20	format 97:1	gear 103:20	graduate 9:12	
	forms 43:24 45:4 142:23 153:11 174:13	general 18:22 32:8,9 69:22 177:7	graduated 10:4	guess 27:10 58:22 77:14,21 86:20 149:22 193:5 218:8 221:19
	forward 75:4 85:10 215:17	generally 107:3 114:24 129:21 210:13 212:13	grainy 82:11,17 84:19	guidance 180:5 197:24 198:11
	forwarded 56:17	generic 165:25	great 115:1 149:11	guy 18:20 165:5,6 202:7
	foundation 103:1 156:22	get all 35:10	green 156:10 192:18	guys 45:24 115:22 120:22 165:17,19 208:19 213:2
	fourth 167:1	give 8:19 15:16 16:14 35:19 77:5 91:14 117:22 131:24 149:8 171:25 172:3,7 211:17	grounding 102:9 187:23 195:1 217:5	
	frequently 39:3	glad 216:19	group 58:4 187:19	
	front 31:6 83:15 170:9	GMT 133:12,20 134:3,12 135:20	groups 49:22	
	full 10:21 40:8,9, 10 200:4 215:12	good 6:7,8 8:25 23:23 54:24 83:17 93:8 113:16 148:12 176:2 202:4	Guard 46:24 47:1,8 61:1,8,15,18 63:21 64:2,21, 25 65:6,7,8 66:7,9,12,15 67:18 68:6,10, 11,15,18 69:25 70:16 71:7 74:10,15 76:15 79:9 80:20 99:19 100:21 101:3, 7,19 105:3,17 106:4,20	
	future 83:19			H
	G			H&I 16:2 23:20 24:15
	gallery 78:22			half 7:6,25 11:9 179:4
	galley 78:15,25 79:1 203:14			halfway 176:14
				hand 77:8 83:11 88:19 103:24

LEONARD BALDASSARE

April 29, 2025

108:13,14 143:20 hand-steering 90:5 handed 98:24 handheld 170:21 handle 28:8 handled 76:14 113:11 128:16 handles 28:12 hands 37:4 72:23 141:18 151:6 handwriting 93:19 127:23 handwritten 76:25 77:1,6 98:13,16 99:7 hanging 86:4 happened 29:24 31:12 35:6 41:23 42:18 60:18 65:25 72:4 73:14 101:10 104:21 138:1 189:14,24 190:4 happy 121:8 harbor 39:25 66:8	99:11 137:6 149:17 196:19 hard 127:17 159:25 160:4,7 197:14 harder 142:12 hazardous 169:5 hazards 215:15 head 76:24 170:5,8 198:8 205:4 heading 187:7 195:17 headquartered 164:4 headquarters 164:10 health 116:22 117:15,16 160:23,24 161:1 hear 92:4,7 140:5 146:4,8 heard 27:2 158:10 hearing 29:19 46:23 held 31:10 Helen 23:10	helm 38:20 43:7,16 45:4 81:1,7, 10,13,21 87:19 113:21 118:7,10 119:16 120:6 123:25 126:5 129:18,22 131:7 138:19, 20 142:22 144:19 149:14 153:3 154:16, 19,20 159:11, 12,15,17,22 163:22 197:7 helmsmen 215:6 Hey 71:2,7 120:16 142:8 highlighted 169:21 175:9 hired 12:23 13:1,9 17:11 23:4 36:18 116:25 117:6,8,11 196:18 hires 114:19 hiring 17:6 36:9 hit 47:22 137:6 140:7 195:6,7 217:10,13 HNL 165:12	hold 10:9 22:25 75:4 143:19 174:16 181:15 206:20 214:15 home 15:12 25:14 48:23 honestly 47:7 58:15 horse 16:17 hour 56:11 57:22 58:1 191:4 hourly 14:16 26:1 hours 39:25 40:1 107:18 119:23 122:11 124:16 125:1 house 78:14 170:17 HR 13:2,7 17:8,9 142:23,24 143:2,14 HSQE 116:20,21 <hr/> I <hr/> idea 16:14 28:20 34:13 147:16 identical 118:20	identification 82:13 84:11 87:16 96:5 137:16 158:17 identified 177:7,12 image 82:16 83:17 immediately 187:14 188:8 impair 46:12 impairment 215:3 impediment 215:4 important 169:21 Inactive 151:19 inalterable 123:1 inbox 69:22 incident 18:17 29:23 31:11 33:23 39:14 41:23 53:25 61:1 69:18 81:1,6 88:16 107:4, 20 113:25 114:12 118:11,14,23 119:17,23 120:7 130:17 131:13 137:20 138:21,25 139:7 187:1
--	---	--	---	---

LEONARD BALDASSARE**April 29, 2025**

191:19 193:9, 12,13,20 195:20 210:25 211:23 219:20	initial 70:14 78:5	126:3 135:16 136:19	86:10 99:9 113:2 130:21	involves 53:25 194:20
incidents 81:10 107:25 144:14,17 145:2	initially 79:8	instructing 173:3 180:22	interviews 17:9 78:11 79:5,11 89:2 113:9 202:20	involving 33:23 81:10 119:23 128:19 144:11 193:13
inclination 54:8	initiated 143:14	instruction 174:9	investigate 71:25	iphone 54:21,25 55:3, 4,6,16,20
include 59:4 104:7 115:14,19 155:17 161:1 210:4 219:1	inland 13:25	instructions 105:23 196:22 210:11	investigated 71:11	Island 15:8,15 66:24 76:3 164:25
included 219:3	input 139:13	intend 51:13	investigating 71:18 191:22	issue 112:16 113:25 114:10 129:13
index 160:18	inside 48:6 72:11 82:24 101:14 188:15	intended 52:14 180:5	investigation 80:3,16 94:25 95:14 96:8 97:8 100:22 104:19 120:3 127:2 152:25 178:9 186:3 202:18 203:19 204:12 207:3 208:3 210:23	issued 19:10
indiscernible 116:19	inspect 74:25 75:9,11 76:11	intentionally 218:25	intercostal 177:2	issues 38:10 128:25
individual 141:6	inspected 23:14 115:7 129:6	internal 165:18	internally 79:23	item 194:24
individuals 195:21	inspection 29:2 76:13 187:19	intentionally 79:23	investigations 66:1,3	items 145:1
industry 205:3,15	inspections 141:13	interpretation 108:2 184:3	invite 12:12	J
inform 31:25 147:3 221:9	installed 200:19,23 201:16	interrupt 9:3 60:9	invoice 134:19	Jacob 34:17
information 22:8 86:13 102:19 104:9 112:12	instance 18:12 41:19 78:9	intersection 183:21,23 184:9 185:5	invoices 133:10	Jacques 92:17
informed 73:12 130:16	instances 128:15	intervene 35:9	involve 45:4 194:22	James 29:16,20 88:16 103:22 147:14 151:17 172:14
Ingrid 5:10	instruct 172:12	interview 78:6,11 128:5	involved 15:19 36:9 38:11 52:13 71:18 89:5 102:2 130:11 134:24 141:20 187:20 195:22	January 11:19 14:24 26:20 27:21, 25 33:18
	instructed 63:21 64:18, 20 68:6 70:10	interviewed 73:19 74:21 78:13,16		

LEONARD BALDASSARE

April 29, 2025

34:21 59:24 136:24,25 137:3,22	108:18,22 110:12,18,23 112:20,22 113:3 115:11 119:12,13,21 123:8 124:11, 15 127:14 132:9 149:20 182:1,21 190:10 217:8, 13,25 220:20	knowing 135:3	72:10 101:14 104:14 188:14	158:13 195:4 200:7 203:19 220:18
Jason 34:18,19,20 92:21 116:19 151:18		knowledge 17:15,19 23:24 25:16 30:9 60:20 63:20 64:20, 23 66:6,10 73:14 89:23 96:12,13 98:11 114:22 136:5 138:13 139:3 140:13, 14 143:6,8,10 148:9,10 160:3 166:2, 13 167:23 174:15 182:3, 4,11 185:6 186:2,6 193:11 196:15 197:3 198:2,9, 16,18,19 201:3,4 204:25 206:9, 10,17 210:16, 17 217:22 218:1,3	language 118:19 173:11 218:23 219:10	leave 14:23 15:3 25:5 27:20 29:5,21 31:14, 22,25 32:6 35:5 48:12 63:10 71:21 78:8 79:19 96:11 100:24 101:1 104:20 112:17 113:7 122:10 150:13 186:17,23
Jersey 30:5 76:8			laptop 197:16	
Jesus 158:9			Laraway 18:4,17 79:20	
Jim 6:9 20:1 31:1 45:15 60:9 93:20 105:10 120:8 173:1 201:20	K		larger 169:10	
job 12:16 24:8 39:19,24 75:17 76:4	Kaywood 5:13		Larin 5:12,13	
jobs 12:18 37:22	keeping 203:23 215:4		late 32:21	Leaving 108:1
journal 125:19	keywords 160:23		law 185:2	left 12:10 21:15 23:5,22 24:1,6 25:8,10,12 26:12,19 27:12,18 33:17 34:21, 23 56:24 59:10,17 69:10 97:19 113:7 117:25 138:17 200:19
judge 120:17 208:17	kidding 148:15		lawsuit 6:13	
June 6:17 20:7 31:12 32:19 48:2,20 59:23 60:15 62:3,24 63:5,22 64:3, 21 65:3 66:12, 23 68:11 71:23,24,25 74:11 83:4 87:14,22 88:7 100:18 106:13 107:20	killling 160:10		lawyer 120:15	
	kind 8:24 27:22 30:15 35:11 37:8 38:1 39:10 41:2,11 72:18 96:2 97:11 113:22 123:19 132:25 154:23 156:19 161:3 163:24 165:25 169:9 192:18 193:7 200:7 201:5 204:8 205:10	Kuster 138:5	lazy 142:1	
	knew 29:23 188:13, 14	L	lbaldassare@ carvercompani es.com 69:8	legal 182:14
		labeled 133:13	lead 97:23	Lenny 157:14
		lack 168:5	learn 33:21 104:20 140:5 182:18 190:5 199:25 202:21	Leonard 5:4,24 81:17 223:16
		laid 107:9 175:2	learned 33:3 47:25 53:6 104:24 105:2 112:24	letter 76:24
		landed 48:6 50:20		letterhead

LEONARD BALDASSARE**April 29, 2025**

96:3 97:4,12	lining 51:6	logo 144:19 163:13	loss 107:21,22	201:17 207:16
liability 6:15	list 216:11,12	logs 36:25 87:13 114:6 121:21 141:13	lost 216:11	made 30:19 65:12, 22 75:14 104:1,4 166:11 178:5 185:20 207:11 220:24 222:9
liaison 17:3	listen 142:1,8	long 7:4,23 8:7 12:3 15:8,25 23:19 26:8,22, 25 27:12 63:17 67:21 117:4	lot 31:7 41:20 150:9 160:10 214:3	
liar 190:20	listening 172:22 173:1		louder 183:2	Mae 23:11
license 10:5 146:12 174:17	literally 36:8 189:13		Louisiana 164:5	main 15:19 211:9
licensed 10:7	live 15:8	longer 25:2,3	lower 211:8	major 9:10 142:18
lied 190:15	lived 15:13	looked 153:4	lunch 148:12	make 17:1,2 20:16 30:17 37:9 38:1 46:8 67:3,5,10 75:4 76:10 122:12, 16 129:9 157:2 163:24 165:9 169:12 173:20,24 174:2 206:1 209:8,11 222:5
Lieutenant 65:16 67:25 74:19	loads 212:10	lookout 167:16,17 168:2 171:1,2, 12 174:14 179:7,18 180:8 183:4,5, 11,19 184:7, 16 185:3 198:5,7 202:22 204:9, 18 205:4 210:9,12,13 214:8 215:6, 24 216:6 218:14,16	lying 222:7,16	
life 193:20	local 40:2		M	
Lifeboatman 10:13	located 63:14 197:16		machine 11:4	
light 75:21 192:18	location 30:5 106:6		Mackenzie 25:1,10,11 26:9 30:3 41:1,7,25 48:1 53:17 54:3 75:19 77:16 79:25 87:13 94:8 103:18 113:3 123:22 126:20 128:21 135:4 137:5, 21 138:24 140:7 143:21 144:11 149:18 171:23 173:6 181:18,24 197:5,13	
likewise 71:6 125:11	log 55:11 87:22 88:10 106:9 119:11 122:7 125:17 126:8, 19 127:3,7,10 150:7 197:19	lookouts 168:1 174:8 178:12,24 210:5 215:21		makes 210:8
limit 6:15		loose 200:4		making 67:13 89:14 128:11 167:3, 5 206:14
limitation 6:13	logbook 125:8	losing 158:9		man 214:21,23 218:20 219:11
limits 107:10	login 81:16			manage 163:22,23
Lindenhurst 6:4	logistics 7:3			management
Line's 11:12				
Lines 6:16				

LEONARD BALDASSARE

April 29, 2025

17:4 30:15,20, 22 158:15 159:6 160:12 161:13 162:4, 9 163:5 165:23 166:1, 4,11 169:1 173:8 176:9, 25 178:8,24 183:3 186:25 192:24 193:23 194:8 196:9 198:15 199:6 219:1,4	marine 5:5,6 7:17 9:11 10:3 16:4,7,10 18:20 96:3 102:2 106:4 107:4 114:17 115:9 129:20 133:12,18 135:8 146:9 159:7 160:2 176:2 185:15 186:1 187:7, 18,21 195:19	124:8 159:3 196:21 master/mate 167:3 masters 38:25 41:6,25 167:24 199:13 mate 7:22 8:14,15 10:10 40:23 41:23 43:20 44:13 88:13, 16 138:10 139:17,22 141:3 147:1 151:5,16,17 167:5 169:15 174:11 180:6 200:4,5 210:24 211:21	means 18:24 47:21 169:17 170:11 192:14 meant 183:21 Media 5:3 91:8 149:5 202:15 medications 46:12 meet 18:7 meeting 45:10,15 46:25 47:3 78:5 105:14 member 74:2 77:22 78:4 86:8 170:4 members 24:25 72:15 73:20 74:10, 14,22 77:25 78:21 79:24 113:2 115:16, 20 140:23 151:3 memorized 162:25 memory 58:9 68:17 80:18 110:3 135:2 mention 89:4 mentioned 44:5 80:7	merchant 10:3 146:1,7, 9,10 message 48:12 56:13 57:2,8 59:5 messages 22:4 59:11 microphone 92:3 mid 115:11 136:25 137:3 middle 48:20 105:24 168:15 169:8 175:8 midnight 149:23 miles 76:7 Miller 25:3,5 29:12 41:9 42:3 48:3,10,25 50:8,17,25 52:12,22,25 53:2 55:13 60:18 61:24 62:7,25 63:3,9 72:19 77:3 78:13,17 86:7 89:2 92:10,12 95:8,20 96:17 119:22 124:15 128:1 132:8, 17 144:1 151:11 185:19 186:4,10 189:12 190:15
manager 16:6 17:16 18:23 114:20 116:3,14 mandate 193:7 mandates 185:3 mandatory 106:25 175:17,18,22, 25 maneuvering 88:21 manual 196:21 200:15,19 201:5,15 manually 206:25 manuals 200:10,12 March 134:13 135:20 145:13,24 146:6	Mariners 146:1,7,10 Maritime 9:7,8 marked 82:7,13 84:9, 11 87:16 96:5 137:16 139:8 144:6 158:17 175:5 Marron 13:2 master 7:20 8:11 38:4 40:23 41:10, 14 42:4 43:18 53:23 54:5,11 88:13 124:18 139:16,21 141:1 151:5, 10 167:4,12 169:14 171:5 174:11 180:6 185:13,24 187:16 master's 123:14,19	mates 37:3 38:7,8 39:1 141:8 167:13,24 199:13 matter 5:5 Mccay 133:12,20 134:3,12,20 135:20 Mcgrath 25:4 34:17,20 72:21 75:3 92:22 151:18 Mckenzie 23:10 155:3 200:16 211:16 meaning 51:3 81:22		

LEONARD BALDASSARE

April 29, 2025

191:4 217:9, 24 220:20 221:21	111:6 145:3 146:13 158:18 159:4 166:25	66:13 67:9 68:24 70:15 71:2,10 79:24 80:19 100:3 101:9,18 102:14 103:3 104:7 106:13 110:15,24 112:25 132:24 133:1,3,6 145:7,25 146:6,20 158:14 186:14 194:3	move 15:17,22 52:15 moving 52:13 92:14 MTSB 46:25 multiple 40:3 mute 220:1,10,11 mutual 15:4	10:23,24 129:3 169:5 179:11,12 180:12 196:23 navigational 175:3 215:15 nearest 106:5,7 185:24 187:18 necessarily 166:18 Necessity 170:4 needed 73:13,15 141:8 167:12, 14 220:17
Miller's 51:22 mind 17:25 19:6 45:13,25 mine 118:16,17 158:5,6 minute 30:25 211:18 minutes 67:23 90:15, 17 148:17 214:17 mischaracteriz e 184:22 Mischaracteriz es 184:20 misses 130:7 131:20 145:17,23 misstated 131:3 mistake 5:12 122:12 misunderstoo d 27:2 mm-hmm 12:11 30:6 39:21 44:19 57:23 71:13 88:11 94:14 95:9 102:23	MMC 10:5 model 156:6 157:18, 24 modified 152:7 modules 148:4 moment 190:3 Monday 60:22 65:2,3 66:23 74:16 money 41:21 monitor 5:9 month 117:7 monthly 114:8 months 15:24 26:11, 14 27:3,5 42:19 59:15, 16 200:6 Moore 11:20 12:1 14:2 17:22 18:20,25 24:1 29:9,18 30:22 37:16 50:11 56:1,9 57:11 59:13 60:2,24 61:21 63:2	morning 6:7,8 37:21 45:19 46:2 66:14 67:8 105:9 Morrissey 42:11 Morrissey 25:4 29:5,11, 16,17,20 32:1, 24 33:19,22 36:10 41:16, 17 44:9 48:5 50:18 51:1 52:23 62:21 72:9,19,25 78:14,17 88:16 92:17 93:17 94:19 97:11 103:22 119:22 128:1 137:4 140:6, 11 143:7,24 147:14 151:17 203:1,3 204:4 210:24 Moss 220:2,6,8	N nail 79:3 named 72:25 73:1 names 94:16 151:8 NANAVATI 223:18 narrow 107:9 196:14 219:15 National 113:1 nature 52:20 141:24 142:13 153:23 nav 11:3 Naval 194:18 navigation	10:23,24 nearest 106:5,7 185:24 187:18 necessarily 166:18 Necessity 170:4 needed 73:13,15 141:8 167:12, 14 220:17 Nick 18:3,10,17 79:19 night 46:9 215:4 noise 92:7 non-coi 16:18 Norfolk 6:10 65:10,17 66:9 69:13 94:6 103:21 177:3,12,23 182:20 209:4 normal 18:24 41:25 north 87:5 northend 88:22 102:24

LEONARD BALDASSARE

April 29, 2025

127:19	numbering 162:16 166:18	219:6 221:1, 16 222:2,12, 19	83:22 102:25	132:5,6 171:7, 24 172:1,3,7,9 173:5 174:2 180:20 216:4
Notary 5:20	numbers 87:23 124:12	obligated 185:14	offshore 13:25	opportunities 44:2
note 119:22	Nunamann 28:17,18	obligation 189:23	On-the-job 200:8	opportunity 44:24
noted 223:21	O	observe 60:19	One's 72:25	opposed 165:25
notepad 99:1	oath 47:8	observer 10:13	ongoing 197:24 198:4	opposite 42:9
notes 177:7	object 47:22 54:1 188:18 199:20 205:17 207:8, 18 211:25 212:6,15 215:25	obstructed 70:9	online 12:20	option 15:7,21
Notice 187:7	objection 21:24 33:25 54:14 70:7,21 71:14 74:3 80:10 83:23 89:17 109:15 112:4 113:4 130:24 131:9 132:13 155:11 156:21 158:19 167:8 171:3, 20,21 172:10 176:5 179:15, 19,25 180:13 183:14 184:1, 10,18 188:7, 10 190:1,17 192:1,10 193:1 195:10 201:11 203:13,15,25 204:21 205:19 206:3,15 212:19,22	occasion 215:10	OOW 104:2	orange 185:9
notification 208:5		occasions 47:13 141:7 143:12	open 122:11 139:12	orange-ish 169:10
notified 64:2 70:12		occur 70:11 194:21	opening 51:6 52:8	order 67:20 178:15
notify 63:21 64:25 70:16 185:14, 24 187:17		occurred 25:1 107:25 119:17	operate 11:11,14	ordered 208:22
now's 148:11		occurs 194:17	operating 38:2 44:12 198:12 200:7	ordinarily 42:6
number 5:3,6 13:24 58:17 66:1 85:21 87:24 91:8 92:10 95:7 105:25 149:5 152:19 156:4 163:11 168:15 176:12,17 178:12 194:25 202:15 214:14		office 15:14,17 45:20 66:9,24 76:3 185:15 187:18,19,20 198:22	operation 15:20 103:16 175:13	ordinary 134:24
numbered 96:1 111:8 158:22 166:15		officer 103:22 104:1 116:24 117:15,16 199:14 203:7 215:5	operational 33:4 141:16 166:23 208:10	organization 23:1
		offset	operations 9:11 16:25 159:7 214:22, 24 218:20 219:12	organized 91:12
			operator 187:17	original 77:5 98:19 101:8
			opinion 131:17,25	originally 117:12 130:19
				Otter 23:10

LEONARD BALDASSARE

April 29, 2025

outbound 94:6 103:20	pair 203:23	112:17 113:7	116:12 129:24 131:17 142:16 196:12 200:6 215:17	190:22 191:2
outbox 69:22	Palumbo 65:16 67:25 74:19	pause 8:20 35:19		photos 50:3,22,23 56:6,9,16,22 57:3,8,16,22, 25 58:10 59:8 60:3,7,17,24 83:4 84:13,15 85:9,15 221:25 222:17
outlet 14:10 219:4	paper 52:5 99:4 154:12	pay 14:12 30:15	perspective 18:19 190:15	
Outlook 69:15		payable 134:22 135:15	pertained 69:12	
outset 8:24	part 16:10 96:8 109:20 111:4 113:18 114:2 127:1 178:9 179:2 183:18 196:16 199:9 207:2	paycheck 25:17	pertaining 137:20	
overhead 173:24		PDF 154:22,24 159:16,24 197:10	phone 19:2,8,10,16, 23 20:7,10 21:2,6,12,14, 17,22,23 22:3, 9 45:22 49:6 50:9 53:7,10, 11,13,16,17 54:20,22,23 55:1,6,9,15,19 56:14,17,22 57:4 58:14,19 59:9,18,21 60:10,11 61:25 63:7,8 66:1,25 67:2, 3,10,13 72:6 82:20 84:20 87:24 221:22	physical 104:16 physically 66:22 pick 48:11 50:12 53:21 picked 39:17 48:13 122:14 picking 150:12 picture 85:7 pictures 84:25 85:3 pier 83:22 137:6 140:7 Pike 23:10 pile 90:7 piloting 137:5 140:6 pins 153:25
overlap 12:5		people 17:11 24:24 36:23 41:20 115:8,14,23 116:1 196:16		
oversaw 128:13	participating 147:23,24	percent 79:16 154:25 161:10		
owned 24:19	participation 147:21	perform 167:22		
owner 187:16	parties 76:14	period 28:4 55:10		
<hr/> P <hr/>	party 165:16	person 84:2 114:19 143:3,19 187:17 193:18,23 204:8,18	phones 21:22	
P-B-L-R-R 88:22 127:19	pass 82:6 84:8 87:10 99:16 118:23 123:16 126:22 137:13 144:6 147:6 149:8 158:12	personal 21:22 55:19	photo 62:15 83:9 85:18 86:25 87:7 88:22	
p.m. 91:10 148:25 149:6 202:11, 16 223:17,21		personally 65:23 80:4 81:3 129:19	photocopied 98:21	
pages 134:13 147:11,19 163:10 166:15 176:12,14 177:8	past 146:23 211:22	personnel 17:6 45:5	photograph 49:8,11,16 82:9 83:1,21	
paid 33:15	paternity 31:13,22,24 32:6 71:21 78:8 79:19 96:11 100:23 101:1 104:19			

LEONARD BALDASSARE

April 29, 2025

place 15:12 78:12 111:12 161:13 165:3 174:12	12:15 13:11, 17 14:7 15:6, 10,20 16:22 17:20 19:1,13 22:12,18,24 28:6,11,15,16 29:6,7 36:21 37:4 39:6 85:19 104:1 106:7 113:19 114:17 115:10 128:11,21 129:8 132:18 135:13 137:11 143:13 160:13 173:23 183:20,22 184:8 185:4 196:11 197:23 221:11	possession 21:3,6,12	45:7,14 46:1 73:22 76:18	proceeding 6:13 223:20
plan 149:13 150:7, 17 152:6,13 153:9,10,16, 19 154:1,4,11, 16,19,20,22 155:2,16,19 175:15 176:25		possessions 194:19	prepared 80:3 99:8 193:12	process 36:22 38:23 44:17 82:10 130:8 143:9, 15 157:20 166:8 167:25
plan-outside 149:17		possibility 61:14	pressure 169:13	produce 20:7 21:2 208:20
planned 28:2		Possibly 77:11,15	pretty 13:12 107:9 111:25 142:4	produced 87:11 118:5 123:17 137:18 144:8 147:10 162:12
planning 153:8		post 106:16 171:12 174:8	previous 162:5	producing 20:13
pleasure 215:2	portal 12:21 106:9	post-incident 107:15	previously 7:14 45:20	product 165:7
point 43:1 82:25 97:7 119:21 123:3 145:7 153:8,10,14, 18 154:5,20, 21 155:2,23 189:13 208:1, 4 213:19	Porter 73:1 93:12	posted 174:14 183:12 198:7	pride 169:13	program 9:24
	Portland 182:20	posting 179:18 180:7 184:7,15 185:3 205:4	print 82:8 153:17	project 16:5
	portside 212:18	potentially 169:6	printed 87:18 160:1,8	proper 199:2 215:5
	Portsmouth 6:10 69:13 177:13,24	power 16:17	prior 8:4 43:1 105:14	property 102:22 111:18
points 153:22	position 13:9,13 14:16 22:25 23:20 25:24,25 26:1 33:4 43:25 143:18 193:19 196:17,18	practical 185:15,25	Priorities 185:12	propulsion 107:22
policies 37:9		practice 176:3 215:8	privy 76:12	provide 22:8 24:6 46:14 73:6 84:24 126:4 155:6 196:20 207:16
policy 205:1		practices 205:3,7,15	problem 129:2 223:9	provided 47:10 73:10 82:9 86:13
popped 169:21	positions 17:12	prayer 46:2	procedure 183:19 198:12	
port 7:8,10 8:3		preexisting 24:15	procedures 37:10 181:3 183:4	
		premise 180:15	proceed 60:21 62:14 88:23	
		prepare		

LEONARD BALDASSARE

April 29, 2025

112:13 133:11 149:12 199:1 201:2 214:25		quoted 218:22	127:19 187:25 199:18 213:22 214:20 216:9 218:19 219:11	received 73:17 76:22 77:20 84:15 92:11,16,21 93:11,17 94:19,24 145:6 202:19 217:9
provider 165:17	Q			
providing 204:8	qualify 172:8 179:22	R	ready 90:24	receiving 25:20
proximity 179:11,22 215:14	question 9:1 20:3,4 64:2,4,17 78:20 80:11 95:3 100:25 107:20 115:1 119:6,7 120:9, 16 121:7 134:17 141:24 154:8 157:3 171:11 172:17,20 180:10,23 183:16 184:24 204:24 207:14 219:25 220:9, 16 221:3	radar 10:12 207:4,6, 7 208:10 radars 207:15 208:5 radio 8:25 170:5,21 railroad 6:11 62:18 71:3 102:25 177:13,24 rain 168:5 raise 14:12 raked 85:10 ran 18:20 136:10 ranges 155:20 rate 26:2,3 re-depose 209:9 reach 129:7 133:3 143:1,14 reached 66:13 67:16 read 64:6 88:24 100:15 103:18	realize 22:19 82:10 realizing 150:14 realtime 213:23 reason 15:16 33:22 34:4,7,12 65:18 70:19 89:24 126:5 169:20 175:24 221:14,24 reasoning 221:21 reasons 67:17 recall 26:5 43:6 49:3 50:2 54:19 56:10 57:5 58:4,5 59:6,7 63:16 67:7 69:11 74:5 77:7,8 99:6 100:19 102:16 103:6 104:10 111:14,16 190:8 194:6 receive 49:16,20,21 74:1 77:24 79:12 96:7	recent 98:8 recently 174:22 recess 91:5 149:2 202:12 recites 187:2 recognize 127:22 recollection 57:24 71:17 94:18 98:18 108:21 recommend 22:21 205:16 record 5:23 29:1 31:8,10 51:15, 20 52:1 90:25 91:2,4,9 92:5 107:18 123:12 134:20 142:5 148:24 149:1, 6 174:13 202:10,16 214:21 recorded
prudent 141:12 215:11				
Public 5:20				
pull 114:1 162:21				
purposes 114:11				
pursuant 20:14				
push 103:20	questioned 215:22			
pushing 94:8 103:19 181:9,25 182:19 195:5	questioning 18:13 214:1			
put 27:22 47:8 51:25 69:16 84:4,5 90:6 118:12 126:4 144:3 151:25 152:1 153:19 220:1	questions 8:17 35:13 46:13 47:11 83:19 115:3 151:15 156:5 180:15 208:16 209:10,18 210:22 216:4 218:5 223:1			
puts 125:22	quick 56:11			
putting 51:19 171:12	quit 35:3			
	quiz 148:6,7			

LEONARD BALDASSARE

April 29, 2025

5:15	relate 147:13 194:13	20,21 184:24	223:19	requirement 106:21 204:17 205:1 217:25
records 133:11	related 124:5 191:18 199:4 220:16	replace 136:9	reporting 61:3,10,15 68:5 123:20 133:1 174:13 185:12 187:2 191:19 217:24 219:20	requirements 179:3
red 156:10 193:6, 17	relates 171:11	replaced 59:19	reports 81:9 88:17 113:21 114:3 127:17 138:25 144:9,13,16 147:4	requiring 131:7
reference 24:6 156:6 157:8,22 158:2 192:4 200:20 201:6	relationship 117:3	report 17:21,25 18:1, 10 61:1,4 65:19 66:5,15 80:2,9,25 105:2,16 107:12 111:8 123:14 124:2, 3,14,25 125:7 129:15 131:7 132:22 137:20 138:19 139:8, 20 147:15 149:13 188:5 192:19 193:9, 12	represent 6:10	reserving 208:18
referenced 199:5	relevant 179:5	relocate 15:5	representative 13:3	resolved 129:5
references 153:8	relocate 15:5	remember 31:19 48:17 77:4 79:15 99:3 216:12, 23 217:1	representing 209:3	respect 204:9 208:19
referred 163:18	remember 31:19 48:17 77:4 79:15 99:3 216:12, 23 217:1	reported 18:15 61:6 130:19 131:14 132:3,19 137:11 145:19 191:5 194:17 220:17 221:24	reprimand 140:17	response 145:1 193:19
referring 43:8	remembering 27:7	reporter 5:12,16,22 6:1 8:16,19,22 28:22 35:18, 21,24 36:2,4,8 44:20 90:15, 22 183:1 208:12 209:12 211:17 213:2, 6,10,14,18,21 214:3 220:4,7	reprimanded 140:12	responsibile 37:5,7
reflecting 68:22	removed 30:14 32:1 33:3,22	reportedly 185:20	request 24:12 95:17 127:6 155:15	responsibilitie s 113:19
refresh 94:18 98:17 108:21	renewed 174:21	reported 185:20	requested 20:6 21:2 22:7 74:7 95:22 96:15 166:3	responsibility 13:18 17:5,10 28:7 30:11 36:13 114:5, 18 116:13 117:19 128:10 159:3 167:2
refuse 222:23	rented 163:7	reporter 5:12,16,22 6:1 8:16,19,22 28:22 35:18, 21,24 36:2,4,8 44:20 90:15, 22 183:1 208:12 209:12 211:17 213:2, 6,10,14,18,21 214:3 220:4,7	require 179:17 184:15 195:20 205:4 215:16,24	responsible 16:24 17:17 37:3 39:7 109:10 169:12 175:13
refusing 172:19,22	repair 129:10	reporter 5:12,16,22 6:1 8:16,19,22 28:22 35:18, 21,24 36:2,4,8 44:20 90:15, 22 183:1 208:12 209:12 211:17 213:2, 6,10,14,18,21 214:3 220:4,7	required 136:6,9 167:11 192:9 215:17 217:25	rest 16:18 78:15
regroup 90:18,24	repairing 129:12	repeat 52:2 181:12,		result 80:15 187:15
regularly 157:16	repairs 128:12			resulting 6:15
regulation 108:2 185:2 188:4	repeat 52:2 181:12,			
regulations 187:2				

LEONARD BALDASSARE**April 29, 2025**

review 36:25 43:12 44:17 46:4 57:16 68:12 109:2 110:8 114:6 127:3 148:6 192:9	18 33:25 35:12 36:6 43:8,11 45:9, 16 51:14,19, 23 54:14 55:5, 8 58:22 60:8, 13 64:1,7,12, 16 69:5 70:7, 21 71:14 74:3 77:14 80:10 81:22 83:23 86:20 89:17, 21 90:8,11,20, 23 93:20,25 94:3 98:4 100:7 105:6, 10,11 107:17 109:15 112:4, 8,11 113:4,15 114:23 115:2 116:18 119:5 121:12,16 126:23 130:24 131:9,21,23 132:13 134:19 140:19 144:13 146:4,8,12,16 147:9 148:13, 18,20 155:11 156:21,24,25 157:5,9 158:7, 9,19 167:8 168:12,19,23 171:3,20 172:2,10,12, 21,25 173:4, 16 176:5,16, 19 179:15,19, 25 180:13 181:1,12,15, 19,23 182:3,6, 10,13,16,22 183:14 184:1, 10,18,20	188:7,10,20 190:1,17 191:12 192:1, 10 193:1,5 194:1 195:10 198:16 199:17 201:11,19,23 202:1,3,6,25 203:5,13,15, 25 204:3,11, 21 205:6,10, 19 206:3,8,15 207:12 208:21,24 209:17,21 213:5,8,12,16, 20,24 214:5, 12 218:8 219:6,23 220:2,5,15 221:1,16,19 222:2,12,19 223:2,4,7,10	41:1,7,25 48:1 53:17 54:4 75:19 77:16 79:25 87:14 94:8 103:19 113:3 123:22 126:20 128:21 135:4 137:5, 21 138:24 140:7 143:21 144:12 149:18 153:8,10,14, 18 154:5,19, 21 155:1,3,23 171:23 173:6 181:18,25 197:5,13 200:16 201:17 207:16 211:16	38:2 173:22 197:25 198:22 215:6 safety 10:13 17:2 106:5 113:1 116:13,22,23 117:15,16 158:15 159:5 160:12,24,25 161:2,12 162:4,9 163:5 165:23,25 166:4,11 169:1 173:8 174:3 175:10, 20 176:3,9,25 178:8,24 183:3 186:25 187:15 192:24 193:23 194:8 196:9,24 198:14 199:5 215:18,24 219:1,3 sail 7:9,10,18 8:1 30:7 sailed 7:14 11:9 146:19 200:5 sailing 8:9 32:25 41:22 126:16, 17 146:23 147:1 200:2 salaried 14:16,17,20 25:25 sales 165:5
reviewed 201:14				
reviewing 101:6 217:21				
reviews 44:4				
ride 37:7,11,15,17 38:12,14 39:11,13,22 40:19,20 42:11 43:9,13 143:23				
riding 167:16				
rights 208:18		Rogers 45:17	Rosenberg 5:14	
risk 156:4,7,14,20 157:18,24 181:6 183:9, 12		role 19:13 22:18 44:12 113:8 117:9 118:2 126:16 135:12,20 138:8 141:1	rough 125:17 126:8, 19 127:3,7,10 209:14	
River 174:24 177:4		roles 44:25 146:24	roughly 11:10 13:20	
Road 6:3		rolls 25:20	rub 86:3	
Rodgers 20:1,5,12,24 21:9,24 26:10 27:8,10 29:8, 12,14,17 30:24 31:5,15,		room 75:3	rule 218:14	
		Rose 23:10 25:1,10, 11 26:9 30:3	rules 215:16	
			run 13:7 72:18 113:20 114:2	
			S	
			safely	

LEONARD BALDASSARE

April 29, 2025

satisfy 85:3	198:14 199:7 214:8 216:5,6, 24 218:19 219:19,22	separated 78:19	91:5 149:2 202:12	simply 56:17
Saturday 48:18 68:2 101:12 127:13 131:14 222:11,14	sections 158:14 159:19 161:1 162:12, 18,22 178:14	serve 215:6	Shortly 137:2	sir 6:19 19:21 26:21 38:5,24 42:1 47:20 49:2 53:19,22 56:2,15 59:22 61:16 65:4 68:9 75:8,22 85:14 90:7 91:23 102:8 115:6 123:23 125:15 128:9 134:4 135:24 136:2 160:14 209:25 210:6, 19 218:18 220:14
Save 154:11	sector 16:7 65:10,17 106:4 187:18	served 19:19 20:23 201:5 204:18	show 118:4,15 123:13	
scanned 77:10	secure 155:1	session 214:6	showed 96:11	
scanning 77:17	security 153:22	set 69:15 129:8 135:16 175:2 206:18 207:19 208:3,8	shown 118:20 200:3	
scheme 162:16	sees 83:25	sets 133:10	shows 53:16	
scores 156:20	segment 177:1	setting 113:8 136:20	side 84:5 85:19,25 86:4,8,14 87:4,5 115:19, 25 116:2,11 129:23 154:14 212:13	
Screenshot 118:7	selected 158:14	shape 48:6 50:20 51:2,3,8 52:11,18 72:10 101:13 104:14 141:8	sign 100:5 101:2 110:18	sit 17:8
scroll 161:4	sell 219:3	Sharif 93:12	signature 99:24 100:8, 11,12 108:18	site 39:19 75:17 76:4
sea 103:21 106:6	send 22:4 50:22,23 58:10 67:12 68:10 73:16 110:14,23 143:4 222:1, 17	shelf 198:21	signed 92:9 93:15 99:25 100:3 106:12 108:7, 21 109:14 110:15,22 195:23	sits 170:17
search 160:20,22	sending 60:24 101:7	Shifts 168:10	signing 100:20 110:4	sitting 198:21
section 102:18 104:5 150:19 151:2 153:7 156:2,5, 20 157:23 166:24 168:7 169:1,25 174:6 175:8,9 176:9,25 177:12 178:8, 11,23 183:18 185:8 187:10, 11,14 196:6,7, 8 197:8	separate 43:24 124:6 141:7 144:9, 13,14,16 145:1,11 146:25 164:2	shipyard 25:12,23 27:13 28:1	situation 32:7 50:9 181:6 183:8 215:9 218:3	
		shore 6:3 115:19,25 116:2,11 129:23	similar 38:7 40:22	situations 169:5
		short	similarly 96:20,21	size 16:15
				sleep 46:9
				slid

LEONARD BALDASSARE

April 29, 2025

48:7 101:15 104:15 188:25 189:6,17 217:17 221:10 222:9 slide 220:23 221:13,23 sliding 51:7 slipped 72:11 slow 35:15 213:3,6, 21 slower 214:4 slowly 88:23 small 39:24 99:1 smaller 14:10 SMF 192:19,21 193:8,12 SMS 196:9,25 197:4,9,12,20 214:10,13 216:7,25 snuff 17:3 sole 210:8 solicited 96:16	someone's 44:2 sort 6:25 13:17 18:15 28:12 37:1 38:22 65:21 85:19 99:1 114:7,21 121:9 122:25 129:4 144:19 147:21 185:9 191:16 196:24 sounds 21:20 62:1 71:23 source 163:5 218:23 south 87:5 140:8 southern 94:6 103:21 174:24 177:3 speak 61:23 63:3,4 65:22 78:3 134:1,10 135:12 183:2 specific 38:3 43:18,20, 21 113:22 114:14,18 117:8 196:13 198:25 specifically 85:6 86:16 198:5 201:2 speculation 195:11 spell	11:5 28:19 spells 13:4 spend 40:12 spoke 13:2 50:8 55:12 57:11 60:17 72:4 73:3 78:24,25 133:6 142:8 spoken 26:6 99:15 staff 115:25 Stamp 214:14 stand 116:21 207:23 standby 57:19 standing 167:16 210:13 stands 29:1 156:9 192:21 stapled 91:18 star 173:23 starboard 85:25 212:13 start 9:1 11:17 45:12 51:7 95:7 136:22, 24 153:19 158:21 200:1	started 12:7 39:15 117:1 138:2 139:9 140:4 Starting 185:11 starts 162:11 166:20 176:10 state 5:22 stated 145:20 192:15 statement 77:21,25 92:11,16,21 93:11,16 95:11,15,23 97:13 104:7 112:14 118:21 169:15 statements 73:7,9,13,18, 23 74:2 76:17, 23 77:6,19 79:12 91:16, 20 94:16,22, 24 96:17,20 97:21,25 99:7, 8 202:19 Staten 15:15 66:24 76:2 164:25 States 99:19 194:18 station 215:1 statute 184:3,6,15	stay 206:21 staying 163:25 165:10 STCW 10:12 steering 51:12 88:19 103:24 107:22 127:17 128:19 211:8,20 215:1 stern 85:15 212:21 sticker 162:18 stood 63:17 stop 120:22 131:23 Stopping 36:3 story 72:5 strike 102:10 187:24 195:2 217:5 struck 190:12 structure 111:20 112:16 stuff 40:2 82:4 submission 68:15 109:4 110:9 submit
--	---	--	---	---

LEONARD BALDASSARE

April 29, 2025

122:20 123:4 submits 124:25 submitted 100:20,24 101:2,18 105:3,17 106:20 108:10,15,22 110:4 114:6 125:1,12 130:3 145:22 196:3 submitting 109:10 subpoena 19:19 20:6,15, 18,23 21:1 Subsection 187:11,21 subsequently 49:16 substance 186:21 substances 46:12 suffices 162:3 sufficient 85:3 suggest 71:2 SUNY 9:7,8,19,22 10:4 supervising 210:1	support 111:20 112:15 139:15 supposed 84:3 107:5 173:12 179:6 180:15 swear 5:17 switch 88:19 103:23 switching 104:3 sworn 5:20 system 81:1,7,10,14, 21 86:3,9 87:19 113:21 118:10 119:17 120:6 123:25 126:5 128:20 129:3,18,22 130:22 131:8 132:20 136:7, 12,17 142:24 149:14 153:3, 15 154:17 155:23 156:15 158:3,15 159:6,13,22 160:12 161:13 162:4,9 163:5, 22 165:23 166:1,4,11 169:2 173:9 178:8,24 183:4 185:21 187:1,2 189:7 190:7 193:23 194:8 196:9	198:15 199:2, 6,8,16 200:1, 11,15,19 201:2 206:1, 12 217:17 219:2,4 220:25 221:10,14 systems 200:7 206:5 <hr/> T <hr/> tab 160:21 table 161:8 tags 152:19 taking 6:11 46:11 196:17 talk 30:25 52:22 62:8,21,25 65:15 72:15 74:9,13 79:19, 22 121:12 129:10 219:12,15 talked 20:19 45:24 56:8 60:1 61:20 67:24 74:14 78:18, 22 91:16 talking 35:11 38:19 39:23 54:5 60:9 64:8	74:19 93:21 114:23 115:19 120:23 134:5 216:24 talks 94:11 tapped 127:18 128:5 task 114:8 147:24 tasks 114:2 TBL 102:24 TBS 163:13,18 164:12 165:14 219:4 team 128:16 136:19 148:21 technically 42:8 82:4 technician 129:9 136:20 200:23 technicians 135:17 telling 142:11 172:14 tense 223:13 term 47:18 188:11 205:11 220:23 terms 23:23 162:15	territories 194:19 test 107:24 tested 107:6 testified 5:21 46:16,22 47:16 109:16 testify 45:8 testifying 51:15,24 120:12,14 testimony 46:1 121:14 131:1 183:17 184:2,21 188:13 203:16 213:15 222:18 testing 17:11 107:1, 13,14 195:17, 21,24 text 22:4,8 56:13 57:8 59:4,11 67:12 84:16 texted 191:3 texting 24:3 then-- 95:18 there'd 43:17 68:21 thick 160:7
---	---	---	--	---

LEONARD BALDASSARE

April 29, 2025

thing 6:25 13:12 18:15 28:13 37:1 114:7,21 121:20 129:4 137:10 142:18 147:22 159:23 162:21 167:20 196:24 217:3	46:19 48:16 49:21 55:10 56:20 57:6 58:4,7 59:9 61:2 67:5 69:10 79:3,18 81:12 90:13 91:2,10 94:8 97:18 100:15 103:16 105:1 107:3,9 112:13 115:11 118:12 125:1 128:22 134:2 143:17,18 148:12,24 149:6,22 152:15,21,22 171:6 182:17 189:13 190:9 194:1 202:10, 16,22 203:11, 21 204:1,10 207:5 208:17 210:25 217:12 223:17,21	185:12 today 6:12 19:17 20:11 34:14 45:8,18 55:17 98:2 105:15 Today's 5:7 told 12:9,17 44:9 48:3 50:9,17, 25 53:5 56:3,4 57:15,21 60:18 62:9,12, 20 66:20 68:2 70:15 71:10 72:5,6 101:11 112:15 128:24 136:23 189:3, 6 190:21 208:11 217:19,20,24 218:3 221:6 Tom 13:2 Ton 10:10 top 83:21 118:6 137:19 149:16 150:10 154:13 159:2 163:14 166:20 185:9 192:17 touched 68:4 132:19 touching 94:12 tow 167:17 170:5,	8 174:8 towing 5:6 8:12 18:21 96:3 103:18 114:17 115:9 129:20 205:3, 15 215:2 track 103:25 155:24 tracking 147:20 traffic 153:23 173:25 174:2 179:10 215:14 trail 122:2 training 17:16,18 114:19,20 116:3,4,9 147:20 148:5 167:22,25 196:13 197:24 198:4 199:1 200:5,8 201:1 209:22 210:2, 5 214:6 transit 169:12 170:1 171:13 173:13 174:7 175:14, 16 179:24 196:23 197:25 198:23 203:24 204:9 205:5 transited 174:23 177:21 transiting 169:18 171:10	173:21 176:4 177:17,18 196:13 198:13 204:19 205:17 219:12 transits 89:14 168:7, 11,25 transmission 68:22 Transportation 113:1 trees 160:10 tremendously 213:3 trial 46:23 120:12, 14,15 trick 207:14 troubleshootin g 165:6 truthful 46:14 tub 170:18 Tuesday 5:8 tug 16:16,25 44:4 50:6 53:7,17 54:3 62:11 63:13 75:19, 24 77:16 79:25 83:6 141:1 171:6 181:9,17,24
things 18:11 19:7 22:8 52:20 102:3 113:22 141:10 142:10,13 153:23 157:1 160:16 179:4 185:13 217:3				
thinking 148:11				
third-party 163:21				
thirds 187:6				
thought 17:24 29:11, 13 103:24 115:18 158:10 167:13 202:6 214:15	timeframe 27:22 135:5 timeline 117:23 times 41:20 45:21 150:9 tires 86:4 title 116:8 titled 102:18 123:19 169:25 174:6 175:10 176:9			
thrilled 142:9				
tide 52:19				
time 5:9 7:11 11:23 12:6 13:7 15:7 25:15 26:6 28:4 31:8 33:17 44:23				

LEONARD BALDASSARE

April 29, 2025

182:19 195:4 209:23 210:7 221:9 tugboat 75:7 tugs 13:19,21 14:1, 6 16:9 17:1 23:4 115:5 128:12 196:19 turn 34:16 87:21 103:8 106:23 120:15 163:9 166:14 168:6 176:8 178:11 185:7 191:9 193:16 194:11 219:18 turned 21:14 59:17 88:18 turns 212:24 two-week 44:13 two-year 9:24 type 11:2 38:10 39:23 77:24 97:4 137:10 138:20 154:22 160:24 type-up 97:24 typed 76:23 96:16 typed-up	77:25 91:19 95:11,22 97:2, 12,20 98:12 types 141:9 <hr/> U <hr/> U.S. 194:20 understand 6:18 27:4 44:6,23 46:7, 13 47:18 52:5 80:12 121:8 131:10 132:15 154:7,10 171:17 189:18 193:3 199:21 204:23 205:12 212:9,11 221:3 understanding 96:15 215:20 217:16,23 understood 9:4 31:20 52:12 64:7 120:24 220:24 underway 63:18 177:22 uninspected 23:17 115:8 unintended 102:9,10 187:23,24 188:5 195:1 217:4,5 unique 165:24	unit 106:5 136:10 185:25 United 99:19 194:18 universe 115:17 unobstructed 212:5,14 214:25 upper 17:4 30:14,20, 21 211:11,13, 21 usual 36:4 <hr/> V <hr/> Vain 161:17 valid 145:25 146:7, 11 valve 170:12 Vane 8:6,7 9:5 11:21 126:13 vantage 82:25 vary 162:7 verify 216:5 version 95:11,22 97:2 98:19,20	152:3 159:10 versions 91:19 97:20, 25 98:12 versus 19:7 98:20 vessel 30:14 38:2,4 39:8 41:18 43:19,21,23 44:10 47:21 48:9 51:9 52:13,17 53:1, 12,24,25 54:5 60:21 73:19 74:25 75:6,13 76:1 78:10 79:5 101:11 102:1 103:18, 25 104:17 107:23 114:7 123:20 124:19 128:25 129:9 130:4 147:2 155:20,24 173:21 187:20 194:16,20 196:23 197:1 200:13 203:24 207:4 211:1, 14 vessels 7:21 8:12 13:16 23:15, 17 54:18 81:11 115:7,8 129:19,24 139:1 146:25 199:3 214:24 215:3 video	148:4 223:15 view 81:21 118:13, 18 119:16 212:5 214:25 Virginia 39:16 177:3 214:1 virtue 20:18 visibility 168:5 179:9 215:13 visible 72:13 94:13 101:16 vision 215:4 voice 158:11 voyage 39:23 40:4 72:3 149:13, 16 150:7,17 152:13 153:7, 8,10,16,19 154:11,15,18, 19,20,21 155:2,3,16,19 177:22 <hr/> W <hr/> wait 35:12 93:1 waiting 56:6 walk 156:19
---	---	--	--	---

LEONARD BALDASSARE

April 29, 2025

walked 75:3	weekly 114:8 147:24	word 119:4,8,10 166:21 220:22	119:12,16 124:19 141:10 200:22 211:4 221:20	yesterday 12:10 158:13
wanted 121:20 197:10 206:19 207:20 209:14 222:15	weeks 23:21 27:17 31:13,21 32:5 41:15 88:20 94:7 103:19 122:15 181:25 182:19	words 51:22 186:21	write 180:3 213:11, 14	York 6:4 8:3 10:10 36:6 99:11 149:17 164:13 165:1,4 209:2 213:9
wanting 15:17 67:18		work 6:24 7:1,2,15 11:20,25 15:11,12 16:5, 18 24:16 36:25 40:24 42:9,22 44:3 55:23 56:21 58:18 69:5 115:9 135:3, 17,20 136:6 209:7	write-up 142:23 143:15	young 15:21
warning 169:14 207:17	west 87:4		writing 143:3	
Washington 8:3	Western 104:5		written 73:7,9,18,22 74:1 76:17,23 77:21 79:12 80:2,8 91:15 92:11,16,25 94:22 98:20 142:18,21 143:7 148:6	<hr/> Z <hr/>
waste 31:7	What'd 10:15 190:19	worked 11:22,23 15:14 17:18 37:12 41:11, 14 146:22 161:22	wrong 151:25	Zoom 47:3 209:2
watch 36:24 103:22 124:20 142:3 148:5 174:11 180:6 199:14 203:8 204:5,6 210:12 211:21 215:5	wheel 78:14 170:17			
	wheelhouse 37:25 53:5 78:18 170:15 197:17 200:6 211:11,13,21	working 16:1 21:21 23:5 25:15,22 26:1 29:25 41:20 66:23 113:20 117:1 126:9 140:4 142:10 202:22	wrote 180:11	
water 90:8	wheelman 169:12		<hr/> Y <hr/>	
waters 194:18	who'd 7:1,15 12:25 65:15	works 138:11 148:18	yard 26:9,12,19,23 27:4 72:2 76:2	
waterway 177:2 183:21, 23 184:8 185:5	Why'd 15:3	worried 108:3	year 7:25 9:22 12:8 14:25 37:12 40:6 42:14 125:20	
ways 159:21	Wind 52:19	would've 42:16,17 43:2 55:10 62:2 74:18 77:20 88:12 109:9 110:5 111:22	years 7:6 8:8 9:14, 15,16 11:9	
weather 179:9 215:13	wires 136:11		yellow 168:14 169:9	
week 26:24 41:11, 12 45:20,22 122:18 137:25 208:23	wise 13:13 14:15 90:14			
	wishes 32:13			